

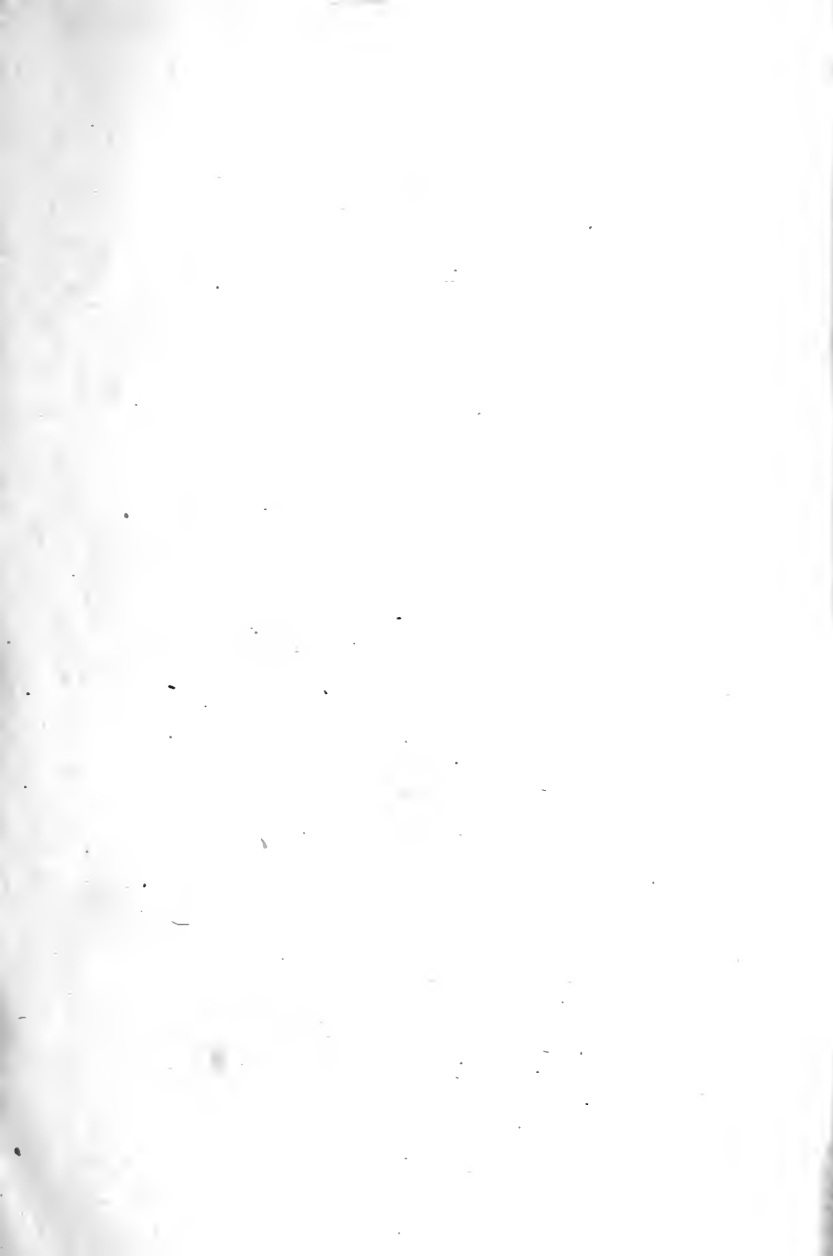


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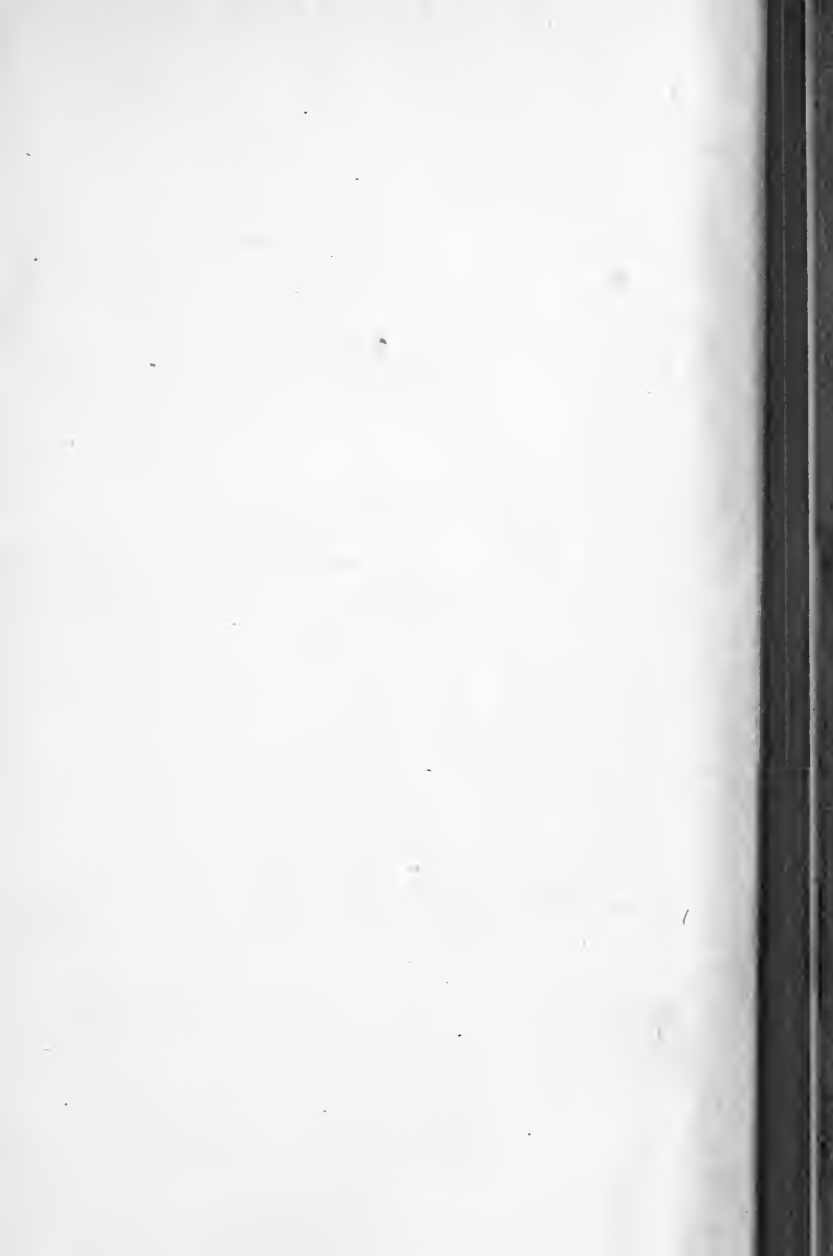
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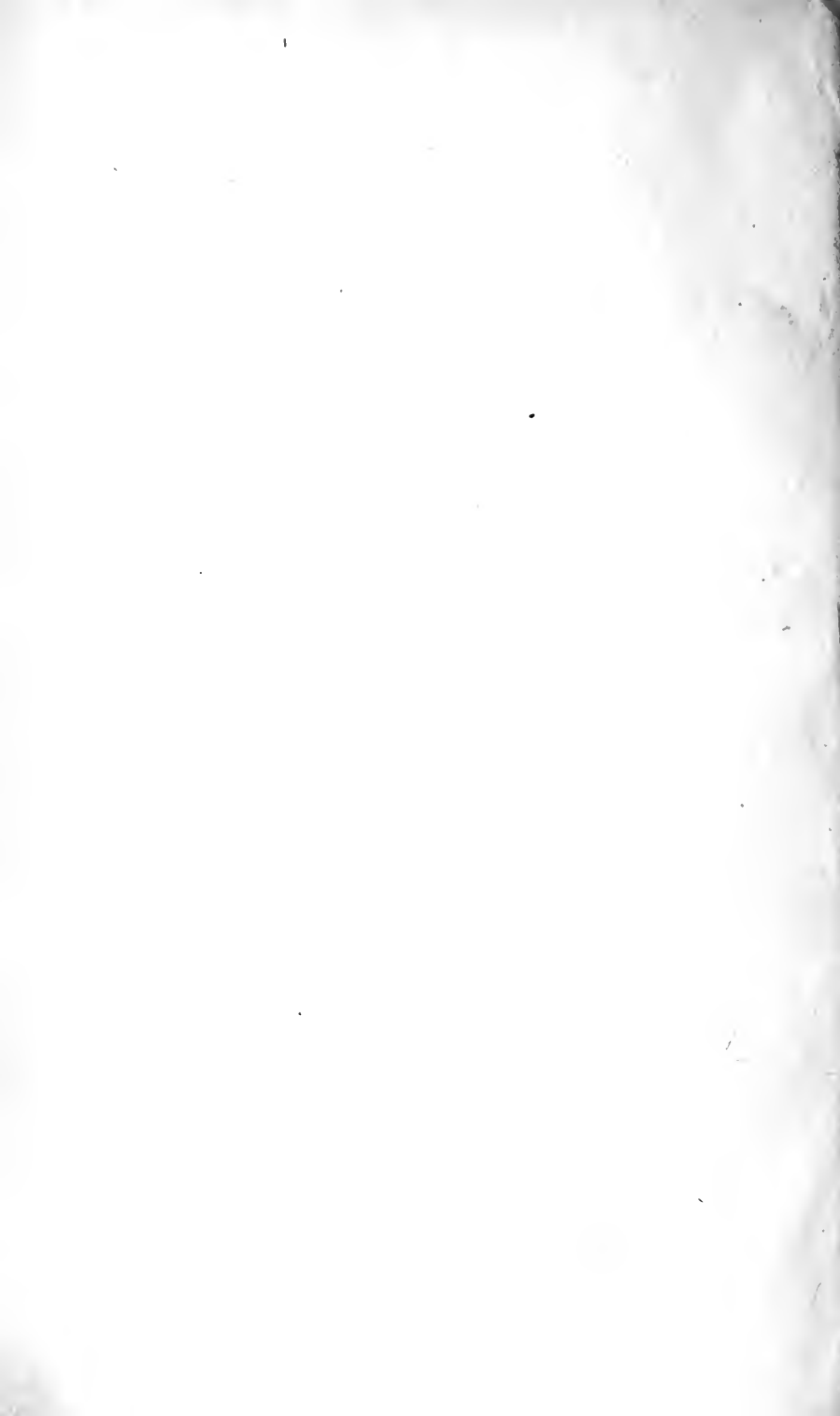
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L A W S

OF THE

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STATE OF ILLINOIS,

PASSED AT

THE FIRST SESSION

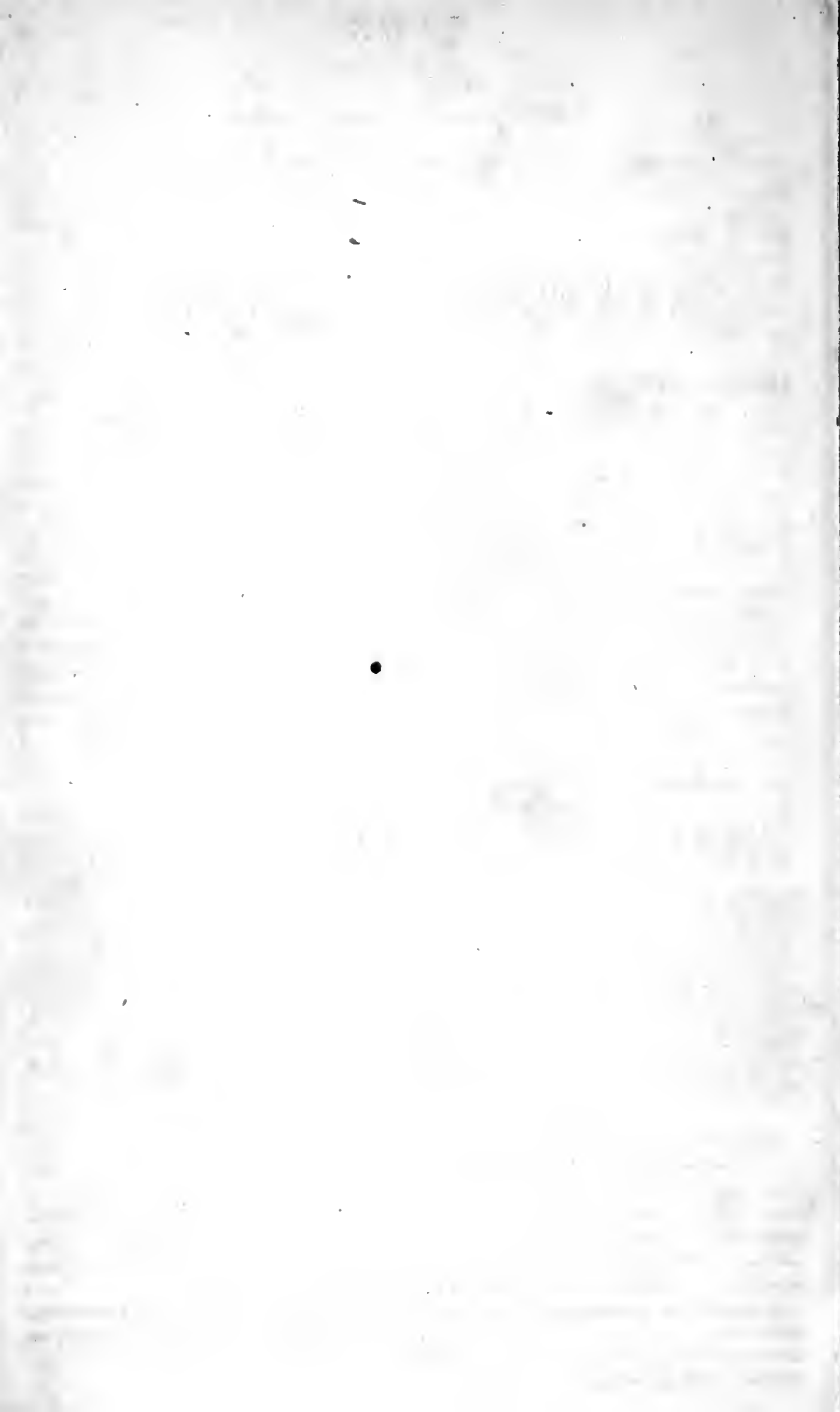
OF THE

SIXTEENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF SPRINGFIELD,

JANUARY 1, 1849.

SPRINGFIELD:
CHARLES H. LANPHIER, PUBLIC PRINTER.
1849.



CONSTITUTION

OF THE

STATE OF ILLINOIS,

ADOPTED BY THE CONVENTION AUGUST 31, 1847, RATIFIED BY VOTE OF THE PEOPLE MARCH 6, 1848, AND IN FORCE FROM AND AFTER APRIL 1, 1848.

PREAMBLE.

We, the PEOPLE of the state of Illinois—grateful to ALMIGHTY GOD for the civil, political and religious liberty, which HE hath so long permitted us to enjoy, and looking to HIM for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Illinois.

ARTICLE I.

BOUNDARIES.

SECTION 1. The boundaries and jurisdiction of the state shall be as follows, to wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the north-west corner of said state; thence east, with the line of the same state, to the middle of lake Michigan; thence north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence down, along the middle of that river, to its confluence with the Ohio river; and thence up the latter river, along its north-western shore, to the place of beginning; *Provided*, that this state shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this state and the state of Kentucky.

ARTICLE II.

CONCERNING THE DISTRIBUTION OF THE POWERS OF GOVERNMENT.

§ 1. The powers of the government of the state of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body, of magistracy, to wit: Those which are legislative, to one; those which are executive, to another, and those which are judicial, to another.

§ 2. No person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted, and all acts in contravention of this section shall be void.

ARTICLE III.

OF THE LEGISLATIVE DEPARTMENT.

§ 1. The legislative authority of this state shall be vested in a general assembly; which shall consist of a senate and house of representatives, both to be elected by the people.

§ 2. The first election for senators and representatives shall be held on the Tuesday after the first Monday in November, one thousand eight hundred and forty-eight; and thereafter, elections for members of the general assembly shall be held once in two years, on the Tuesday next after the first Monday in November, in each and every county, at such places therein as may be provided by law.

§ 3. No person shall be a representative who shall not have attained the age of twenty-five years; who shall not be a citizen of the United States, and three years an inhabitant of this state; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state; and who, moreover, shall not have paid a state or county tax.

§ 4. No person shall be a senator who shall not have attained the age of thirty years; who shall not be a citizen of the United States, five years an inhabitant of this state, and one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax.

§ 5. The senators at their first session herein provided for shall be divided by lot, as near as can be, into two classes. The seats of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year; so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

§ 6. The senate shall consist of twenty-five members, and the house of representatives shall consist of seventy-five members, until the population of the state shall amount to one million of souls, when five members may be added to the house, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred; after which, the number shall neither be increased nor diminished; to be apportioned among the several counties according to the number of white inhabitants. In all future apportionments, where more than one county shall be thrown into a representative district, all the representatives to which said counties may be entitled shall be elected by the entire district.

§ 7. No person elected to the general assembly shall receive any civil appointment within this state, or to the senate of the United States, from the governor, the governor and senate, or from the general assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such member for any such office or appointment, shall be void; nor shall any member of the general assembly be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorised by any law passed during the time for which he shall have been elected, or during one year after the expiration thereof.

§ 8. In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the inhabitants of this state shall be made, in such manner as shall be directed by law; and in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States shall be adopted by the general assembly as the enumeration of this state; and the number of senators and representatives shall, at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants.

§ 9. Senatorial and representative districts shall be composed of contiguous territory bounded by county lines; and only one senator allowed to each senatorial, and not more than three representatives to any representative district; *Provided*, that cities and towns containing the requisite population may be erected into separate districts.

§ 10. In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio, shall form separate districts, and the excess shall be given to the nearest county or counties not having a senator or representative, as the case may be, which has the largest white population.

§ 11. The first session of the general assembly shall commence on the first Monday of January, one thousand eight hundred and forty-nine; and forever after, the general assembly shall meet on the first Monday of January next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

§ 12. The senate and house of representatives, when assembled, shall each choose a speaker and other officers, (the speaker of the senate excepted.) Each house shall judge of the qualifications and election of its members, and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members.

§ 13. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

§ 14. Any two members of either house shall have liberty to dissent and protest against any act or resolution, which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered on the journals.

§ 15. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same cause; and the reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

§ 16. When vacancies shall happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

§ 17. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 18. Each house may punish, by imprisonment during its session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; *Provided*, such imprisonment shall not, at any one time, exceed twenty-four hours.

§ 19. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy.

Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

§ 20. The style of the laws of this state shall be: "*Be it enacted by the People of the state of Illinois, represented in the general assembly.*"

§ 21. Bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills, the vote shall be by ayes and noes, and shall be entered on the journal; and no bill shall become a law without the concurrence of a majority of all the members elect in each house.

§ 22. Bills making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the officers of the government, shall not contain any provision on any other subject.

§ 23. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house, where such bill is so depending, shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speakers of their respective houses; and no private or local law which may be passed by the general assembly shall embrace more than one subject, and that shall be expressed in the title. And no public act of the general assembly shall take effect or be in force until the expiration of sixty days from the end of the session at which the same may be passed, unless in case of emergency the general assembly shall otherwise direct.

§ 24. The sum of two dollars per day, for the first forty-two days' attendance, and one dollar per day, for each day's attendance thereafter, and ten cents for each necessary mile's travel, going to and returning from the seat of government, shall be allowed to the members of the general assembly, as a compensation for their services, and no more. The speaker of the house of representatives shall be allowed the sum of one dollar per day, in addition to his per diem as a member.

§ 25. The per diem and mileage allowed to each member of the general assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

§ 26. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with, the laws at the rising of each session of the general assembly. And no person, who has been or may be a collector or holder of public moneys, shall be eligible to a seat in either house of the general assembly, nor be eligible to any office of profit or trust in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

§ 27. The house of representatives shall have the sole power of impeaching; but a majority of all the members elected must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath, or affirmation, to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators elected.

§ 28. The governor, and other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit, or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

§ 29. No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, recorder, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative

office under the United States or of this state—provided that appointments in the militia, or justices of the peace, shall not be considered lucrative offices—shall have a seat in the general assembly; nor shall any person, holding any office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of this state.

§ 30. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States, and of this state, and also an oath of office.

§ 31. The general assembly shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or other infamous crime.

§ 32. The general assembly shall have no power to grant divorces, but may authorise the courts of justice to grant them for such cause as may be specified by law; *Provided*, that such laws be general and uniform in their operation.

§ 33. The general assembly shall never grant or authorise extra compensation to any public officer, agent, servant, or contractor, after the service shall have been rendered, or the contract entered into.

§ 34. The general assembly shall direct by law in what manner suits may be brought against the state.

§ 35. The general assembly shall have no power to authorise lotteries for any purpose, nor to revive or extend the charter of the state bank, or the charter of any other bank heretofore existing in this state, and shall pass laws to prohibit the sale of lottery tickets in this state.

§ 36. The general assembly shall have no power to authorise, by private or special law, the sale of any lands or other real estate belonging in whole or in part to any individual or individuals.

§ 37. Each general assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of each house, nor exceed the amount of revenue authorised by law to be raised in such time; *Provided*, the state may, to meet casual deficits or failures in revenues, contract debts never to exceed in the aggregate fifty thousand dollars; and the moneys thus borrowed shall be applied to the purpose for which they were obtained, or to re-pay the debt thus made, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, (for payment of which the faith of the state shall be pledged,) shall be contracted, unless the law authorising the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for members of the general assembly at such election. The general assembly shall provide for the publication of said law for three months at least before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrevocable until such debt be paid; *And provided further*, that the law levying the tax shall be submitted to the people with the law authorising the debt to be contracted.

§ 38. The credit of the state shall not, in any manner, be given to, or in aid of, any individual, association, or corporation.

§ 39. The general assembly shall provide, by law, that the fuel and stationery furnished for the use of the state, the copying, printing, binding, and distributing the laws and journals, and all other printing ordered by the general assembly, shall be let, by contract, to the lowest responsible bidder; and that no member of the general assembly, or other officer of the state, shall be interested, either directly or indirectly, in any such contract; *Provided* that the general assembly may fix a maximum price.

§ 40. Until there shall be a new apportionment of senators and representatives, the senate shall be divided into senatorial and representative districts, and the senators and representatives shall be apportioned among the several districts, as follows, viz :

SENATORIAL DISTRICTS.

1. The counties of Alexander, Union, Pulaski, Johnson, Massac, Pope, and Hardin shall constitute the first senatorial district, and shall be entitled to one senator.

2. The counties of Gallatin, Saline, Williamson, Franklin, and White shall constitute the second senatorial district, and be entitled to one senator.

3. The counties of Jefferson, Wayne, Marion, and Hamilton shall constitute the third senatorial district, and be entitled to one senator.

4. The counties of Washington, Perry, Randolph, and Jackson shall constitute the fourth senatorial district, and be entitled to one senator.

5. The counties of St. Clair and Monroe shall constitute the fifth senatorial district, and be entitled to one senator.

6. The counties of Madison and Clinton shall constitute the sixth senatorial district, and be entitled to one senator.

7. The counties of Christian, Shelby, Montgomery, Bond, and Fayette shall constitute the seventh senatorial district, and be entitled to one senator.

8. The counties of Effingham, Jasper, Clay, Richland, Lawrence, Edwards, and Wabash shall constitute the eighth senatorial district, and be entitled to one senator.

9. The counties of Edgar, Clark, and Crawford shall constitute the ninth senatorial district, and be entitled to one senator.

10. The counties of Vermilion, Champaign, Piatt, Moultrie, Coles, and Cumberland, shall constitute the tenth senatorial district, and be entitled to one senator.

11. The counties of Tazewell, McLean, Logan, De Witt, and Macon shall constitute the eleventh senatorial district, and be entitled to one senator.

12. The counties of Sangamon, Menard, and Mason shall constitute the twelfth senatorial district, and be entitled to one senator.

13. The counties of Macoupin, Jersey, Greene, and Calhoun shall constitute the thirteenth senatorial district, and be entitled to one senator.

14. The counties of Morgan, Scott, and Cass shall constitute the fourteenth senatorial district, and be entitled to one senator.

15. The counties of Adams and Pike shall constitute the fifteenth senatorial district, and be entitled to one senator.

16. The counties of McDonough, Schuyler, Brown, and Highland shall constitute the sixteenth senatorial district, and be entitled to one senator.

17. The counties of Hancock and Henderson shall constitute the seventeenth senatorial district, and be entitled to one senator.

18. The counties of Fulton and Peoria shall constitute the eighteenth senatorial district, and be entitled to one senator.

19. The counties of Rock Island, Henry, Mercer, Warren, Knox, and Stark shall constitute the nineteenth senatorial district, and be entitled to one senator.

20. The counties of La Salle, Bureau, Putnam, Marshall, Woodford, Livingston, and Grundy shall constitute the twentieth senatorial district, and be entitled to one senator.

21. The counties of Du Page, Kendall, Will, and Iroquois shall constitute the twenty-first senatorial district, and be entitled to one senator.

22. The counties of Ogle, Lee, De Kalb, and Kane shall constitute the twenty-second senatorial district, and be entitled to one senator.

23. The counties of Jo Daviess, Stephenson, Carroll, and Whiteside shall constitute the twenty-third senatorial district, and shall be entitled to one senator.

24. The counties of McHenry, Boone, and Winnebago shall constitute the twenty-fourth senatorial district, and be entitled to one senator.

25. The counties of Cook and Lake shall constitute the twenty-fifth senatorial district, and be entitled to one senator.

REPRESENTATIVE DISTRICTS.

1. The counties of Union, Alexander, and Pulaski shall constitute the first representative district, and be entitled to one representative.

2. The counties of Massac, Pope, and Hardin shall constitute the second representative district, and be entitled to one representative.

3. The counties of Gallatin and Saline shall constitute the third representative district, and be entitled to one representative.

4. The counties of Johnson and Williamson shall constitute the fourth representative district, and be entitled to one representative.

5. The counties of Jackson and Franklin shall constitute the fifth representative district, and be entitled to one representative.

6. The counties of Marion, Jefferson, Wayne, and Hamilton shall constitute the sixth representative district, and be entitled to three representatives; *Provided*, that no county in said district shall have more than one of said representatives, and the county from which a senator shall be selected shall not be entitled to a representative residing in said county.

7. The county of White shall constitute the seventh representative district, and be entitled to one representative.

8. The counties of Wabash and Edwards shall constitute the eighth representative district, and be entitled to one representative.

9. The counties of Lawrence and Richland shall constitute the ninth representative district, and be entitled to one representative.

10. The counties of Crawford and Jasper shall constitute the tenth representative district, and be entitled to one representative.

11. The county of Coles shall constitute the eleventh representative district, and be entitled to one representative.

12. The county of Clark shall constitute the twelfth representative district, and be entitled to one representative.

13. The counties of Cumberland, Effingham, and Clay shall constitute the thirteenth representative district, and be entitled to one representative.

14. The county of Fayette shall constitute the fourteenth representative district, and be entitled to one representative.

15. The counties of Montgomery, Bond, and Clinton shall constitute the fifteenth representative district, and be entitled to two representatives.

16. The counties of Washington and Perry shall constitute the sixteenth representative district, and be entitled to one representative.

17. The county of Randolph shall constitute the seventeenth representative district, and be entitled to one representative.

18. The county of Monroe shall constitute the eighteenth representative district, and be entitled to one representative.

19. The county of St. Clair shall constitute the nineteenth representative district, and be entitled to two representatives.

20. The county of Madison shall constitute the twentieth representative district, and shall be entitled to two representatives.

21. The county of Macoupin shall constitute the twenty-first representative district, and be entitled to one representative.

22. The counties of Jersey and Greene shall constitute the twenty-second representative district, and be entitled to two representatives.

23. The county of Scott shall constitute the twenty-third representative district, and be entitled to one representative.

24. The county of Morgan shall constitute the twenty-fourth representative district, and be entitled to two representatives.

25. The counties of Cass and Menard shall constitute the twenty-fifth representative district, and be entitled to one representative.

26. The county of Sangamon shall constitute the twenty-sixth representative district, and be entitled to two representatives.

27. The counties of Mason and Logan shall constitute the twenty-seventh representative district, and be entitled to one representative.

28. The county of Tazewell shall constitute the twenty-eighth representative district, and be entitled to one representative.

29. The counties of McLean and De Witt shall constitute the twenty-ninth representative district, and be entitled to one representative.

30. The county of Vermilion shall constitute the thirtieth representative district, and be entitled to one representative.

31. The county of Edgar shall constitute the thirty-first representative district, and be entitled to one representative.

32. The counties of Champaign, Piatt, Moultrie, and Macon shall constitute the thirty-second representative district, and be entitled to one representative.

33. The counties of Shelby and Christian shall constitute the thirty-third representative district, and be entitled to one representative.

34. The counties of Pike and Calhoun shall constitute the thirty-fourth representative district, and be entitled to two representatives.

35. The counties of Adams, Highland, and Brown shall constitute the thirty-fifth representative district, and be entitled to three representatives.

36. The county of Schuyler shall constitute the thirty-sixth representative district, and be entitled to one representative.

37. The county of Hancock shall constitute the thirty-seventh representative district, and be entitled to two representatives.

38. The county of McDonough shall constitute the thirty-eighth representative district, and be entitled to one representative.

39. The county of Fulton shall constitute the thirty-ninth representative district, and be entitled to two representatives.

40. The county of Peoria shall constitute the fortieth representative district, and be entitled to one representative.

41. The county of Knox shall constitute the forty-first representative district, and be entitled to one representative.

42. The counties of Mercer, Warren, and Henderson shall constitute the forty-second representative district, and be entitled to two representatives.

43. The counties of Rock Island, Henry, and Stark shall constitute the forty-third representative district, and be entitled to one representative.

44. The counties of Whiteside and Lee shall constitute the forty-fourth representative district, and be entitled to one representative.

45. The counties of Carroll and Ogle shall constitute the forty-fifth representative district, and be entitled to one representative.

46. The counties of Jo Daviess and Stephenson shall constitute the forty-sixth representative district, and be entitled to two representatives.

47. The county of Winnebago shall constitute the forty-seventh representative district, and be entitled to one representative.

48. The counties of Putnam, Marshall, and Woodford shall constitute the forty-eighth representative district, and be entitled to one representative.

49. The counties of La Salle, Grundy, Livingston, and Bureau shall constitute the forty-ninth representative district, and be entitled to two representatives.

50. The counties of Du Page, Kendall, Will, and Iroquois shall constitute the fiftieth representative district, and be entitled to three representatives.

51. The counties of Kane and De Kalb shall constitute the fifty-first representative district, and be entitled to two representatives.

52. The counties of Boone and McHenry shall constitute the fifty-second representative district, and be entitled to two representatives.

53. The county of Lake shall constitute the fifty-third representative district, and be entitled to one representative.

54. The county of Cook shall constitute the fifty-fourth representative district, and be entitled to two representatives.

§ 41. Until the general assembly shall otherwise provide, the clerks of the county commissioners' courts in each of the aforesaid senatorial districts, and in such of the representative districts as may be composed of more than one county, shall meet at the county seat of the oldest county in said district, within thirty days next after any election for senator or representative therein, for the purpose of comparing and canvassing the votes given at such election; and the said clerks shall in all other respects conform to the laws on the subject in force at the time of the adoption of this constitution.

ARTICLE IV.

OF THE EXECUTIVE DEPARTMENT.

§ 1. The executive power of the state shall be vested in a governor.

§ 2. The first election of governor shall be held on Tuesday next after the first Monday in November, A. D. 1848; and the next election shall be held on Tuesday next after the first Monday of November, A. D. 1852; and thereafter an election for governor shall be held once in four years, on Tuesday next after the first Monday of November. The governor shall be chosen by the electors of the members of the general assembly, at the same places and in the same manner that they shall, respectively, vote for members thereof. The returns for every election of governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

§ 3. The first governor shall enter upon the duties of his office on the second Monday of January, A. D. 1849, and shall hold his office until the second Monday of January, A. D. 1853, and until his successor shall have been elected and qualified; and thereafter the governor shall hold his office for the term of four years, and until his successor shall have been elected and qualified; but he shall not be eligible to such office more than four years in any term of eight years, nor to any other office until after the expiration of the term for which he was elected.

§ 4. No person except a citizen of the United States shall be eligible to the office of governor; nor shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been ten years a resident of this state, and fourteen years a citizen of the United States.

§ 5. The governor shall reside at the seat of government, and receive a salary of fifteen hundred dollars per annum; which shall not be increased or dimin-

ished; and he shall not, during the time for which he shall have been elected, receive any emolument from the United States, or either of them.

§ 6. Before he enters upon the duties of his office, he shall take the following oath or affirmation, to wit: "I do solemnly swear (or affirm) that I will faithfully execute the duties appertaining to the office of governor of the state of Illinois; and will, to the best of my ability, preserve, protect, and defend the constitution of this state; and will, also, support the constitution of the United States."

§ 7. He shall, from time to time, give the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

§ 8. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall pardon the convict, commute the sentence, direct the execution thereof, or grant a further reprieve. He shall, biennially, communicate to the general assembly each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of commutation, pardon, or reprieve.

§ 9. He may require information in writing from the officers in the executive departments, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

§ 10. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state in said proclamation the purpose for which they are to convene; and the general assembly shall enter on no legislative business except that for which they were specially called together.

§ 11. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

§ 12. The governor shall nominate and, by and with the advice and consent of the senate, (a majority of all the senators concurring,) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the general assembly.

§ 13. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he thinks proper; *Provided*, it be not to a period beyond the next constitutional meeting of the same.

§ 14. A lieutenant governor shall be chosen at every election of governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

§ 15. The lieutenant governor shall, by virtue of his office, be speaker of the senate; have a right, when in committee of the whole, to debate and vote on all subjects, and, whenever the senate are equally divided, to give the casting vote.

§ 16. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own number as speaker for that occasion; and if, during the vacancy of the office of governor, the lieutenant governor shall be impeached,

removed from office, refuse to qualify, or resign or die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

§ 17. The lieutenant governor, while he acts as speaker of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more.

§ 18. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary of state, for the time being, to convene the senate for the purpose of choosing a speaker.

§ 19. In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall devolve upon the lieutenant governor; and in case of his death, resignation, or removal, then upon the speaker of the senate for the time being, until the governor, absent or impeached, shall return or be acquitted; or until the disqualification or inability shall cease; or until a new governor shall be elected and qualified.

§ 20. In case of a vacancy in the office of governor, for any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified, the powers, duties, and emoluments of the office shall devolve upon the lieutenant governor, or speaker of the senate, as above provided, until a new governor be elected and qualified.

§ 21. Every bill which shall have passed the senate and house of representatives shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated; and the said house shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by a majority of the members elected, it shall become a law, notwithstanding the objections of the governor; but in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the general assembly shall, by their adjournment, prevent its return; in which case, the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of said ten days, or be a law.

§ 22. There shall be elected by the qualified electors of this state, at the same time of the election for governor, a secretary of state, whose term of office shall be the same as that of the governor, who shall keep a fair register of the official acts of the governor, and, when required, shall lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law, and shall receive a salary of eight hundred dollars per annum, and no more, except fees; *Provided*, that if the office of secretary of state should be vacated by death, resignation, or otherwise, it shall be the duty of the governor to appoint another, who shall hold his office until another secretary shall be elected and qualified.

§ 23. There shall be chosen, by the qualified electors throughout the state, an auditor of public accounts, who shall hold his office for the term of four years, and until his successor is qualified, and whose duties shall be regulated

by law, and who shall receive a salary, exclusive of clerk hire, of one thousand dollars per annum, for his services, and no more.

§ 24. There shall be elected, by the qualified electors throughout the state, a state treasurer, who shall hold his office for two years, and until his successor is qualified; whose duties may be regulated by law, and who shall receive a salary of eight hundred dollars per annum, and no more.

§ 25. All grants and commissions shall be sealed with the great seal of state, signed by the governor or person administering the government, and countersigned by the secretary of state.

§ 26. The governor and all other civil officers shall be liable to impeachment for misdemeanor in office, during their continuance in office, and for two years thereafter.

ARTICLE V.

OF THE JUDICIARY DEPARTMENT.

§ 1. The judicial power of this state shall be, and is hereby, vested in one supreme court, in circuit courts, in county courts, and in justices of the peace; *Provided*, that inferior local courts, of civil and criminal jurisdiction, may be established by the general assembly in the cities of this state, but such courts shall have a uniform organisation and jurisdiction in such cities.

§ 2. The supreme court shall consist of three judges, two of whom shall form a quorum; and the concurrence of two of said judges shall in all cases be necessary to a decision.

§ 3. The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said judges for the term of nine years; *Provided*, that after the first election of such judges, the general assembly may have the power to provide by law for their election by the whole state, or by divisions, as they may deem most expedient.

§ 4. The office of one of said judges shall be vacated, after the first election held under this article, in three years; of one, in six years; and of one, in nine years; to be decided by lot, so that one of said judges shall be elected once in every three years. The judge having the longest term to serve shall be the first chief justice; after which, the judge having the oldest commission shall be chief justice.

§ 5. The supreme court may have original jurisdiction in cases relative to the revenue, in cases of *mandamus*, *habeas corpus*, and in such cases of impeachment as may be by law directed to be tried before it, and shall have appellate jurisdiction in all other cases.

§ 6. The supreme court shall hold one term annually in each of the aforesaid grand divisions, at such time and place, in each of said divisions, as may be provided for by law.

§ 7. The state shall be divided into nine judicial districts; in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of six years, and until his successor shall be commissioned and qualified; *Provided*, that the general assembly may increase the number of circuits to meet the future exigencies of the state.

§ 8. There shall be two or more terms of the circuit court held, annually, in each county of this state, at such times as shall be provided by law; and said courts shall have jurisdiction in all cases at law and equity, and in all cases of appeals from all inferior courts.

§ 9. All vacancies in the supreme and circuit courts shall be filled by election as aforesaid; *Provided, however*, that if the unexpired term does not exceed one year, such vacancy may be filled by executive appointment.

§ 10. The judges of the supreme court shall receive a salary of twelve hundred dollars per annum, payable quarterly, and no more. The judges of the circuit courts shall receive a salary of one thousand dollars per annum, payable quarterly, and no more. The judges of the supreme and circuit courts shall not be eligible to any other office or public trust, of profit, in this state, or the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office, (except that of judge of the supreme or circuit court,) given by the general assembly, or the people, shall be void.

§ 11. No person shall be eligible to the office of judge of any court of this state who is not a citizen of the United States, and who shall not have resided in this state five years next preceding his election, and who shall not for two years next preceding his election have resided in the division, circuit, or county in which he shall be elected; nor shall any person be elected judge of the supreme court who shall be, at the time of his election, under the age of thirty-five years; and no person shall be eligible to the office of judge of the circuit court until he shall have attained the age of thirty years.

§ 12. For any reasonable cause, to be entered on the journals of each house, which shall not be sufficient ground for impeachment, both justices of the supreme court, and judges of the circuit court, shall be removed from office, on the vote of two-thirds of the members elected to each branch of the general assembly; *Provided, always*, that no member of either house of the general assembly shall be eligible to fill the vacancy occasioned by such removal; *Provided, also*, that no removal shall be made unless the justice or judge complained of shall have been served with a copy of the complaint against him, and shall have an opportunity of being heard in his defence.

§ 13. The first election for justices of the supreme court and judges of the circuit courts shall be held on the first Monday of September, 1848.

§ 14. The second election for one justice of the supreme court shall be held on the first Monday of June, 1852; and every three years thereafter an election shall be held for one justice of the supreme court.

§ 15. On the first Monday of June, 1855, and every sixth year thereafter, an election shall be held for judges of the circuit courts; *Provided*, whenever an additional circuit is created, such provision may be made as to hold the second election of such additional judge at the regular elections herein provided.

§ 16. There shall be, in each county, a court, to be called a county court.

§ 17. One county judge shall be elected by the qualified voters of each county, who shall hold his office for four years, and until his successor is elected and qualified.

§ 18. The jurisdiction of said court shall extend to all probate and such other jurisdiction as the general assembly may confer in civil cases, and such criminal cases as may be prescribed by law, where the punishment is by fine only, not exceeding one hundred dollars.

§ 19. The county judge, with such justices of the peace in each county as may be designated by law, shall hold terms for the transaction of county business, and shall perform such other duties as the general assembly shall prescribe; *Provided*, the general assembly may require that two justices, to be chosen by the qualified electors of each county, shall sit with the county judge in all cases; and there shall be elected, quadrennially, in each county, a clerk of the county court, who shall be *ex officio* recorder, whose compensation shall be fees; *Provided*, the general assembly may, by law, make the clerk of the circuit court *ex officio* recorder, in lieu of the county clerk.

§ 20. The general assembly shall provide for the compensation of the county judge.

§ 21. The clerks of the supreme and circuit courts, and state's attorneys,

shall be elected at the first special election for judges. The second election for clerks of the supreme court shall be held on the first Monday of June, 1855, and every sixth year thereafter. The second election for clerks of the circuit courts, and state's attorneys, shall be held on the Tuesday next after the first Monday of November, 1852, and every fourth year thereafter.

§ 22. All judges and state's attorneys shall be commissioned by the governor.

§ 23. The election of all officers, and the filling of all vacancies that may happen by death, resignation, or removal, not otherwise directed or provided for by this constitution, shall be made in such manner as the general assembly shall direct; *Provided*, that no such officer shall be elected by the general assembly.

§ 24. The general assembly may authorise the judgments, decrees, and decisions of any local inferior court of record, of original, civil, or criminal jurisdiction, established in a city, to be removed, for revision, directly into the supreme court.

§ 25. County judges, clerks, sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by a petit jury, and, upon conviction, shall be removed from office.

§ 26. All process, writs, and other proceedings shall run in the name of "*The people of the state of Illinois.*" All prosecutions shall be carried on "*In the name and by the authority of the people of the state of Illinois,*" and conclude, "*Against the peace and dignity of the same.*"

§ 27. There shall be elected in each county in this state, in such districts as the general assembly may direct, by the qualified electors thereof, a competent number of justices of the peace, who shall hold their offices for the term of four years, and until their successors shall have been elected and qualified, and who shall perform such duties, receive such compensation, and exercise such jurisdiction as may be prescribed by law.

§ 28. There shall be elected in each of the judicial circuits of this state, by the qualified electors thereof, one state's attorney, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified; who shall perform such duties and receive such compensation as may be prescribed by law; *Provided*, that the general assembly may hereafter provide by law for the election, by the qualified voters of each county in this state, of one county attorney for each county, in lieu of the state's attorneys, provided for in this section; the term of office, duties, and compensation of which county attorneys shall be regulated by law.

§ 29. The qualified electors of each county in this state shall elect a clerk of the circuit court, who shall hold his office for the term of four years, and until his successor shall have been elected and qualified; who shall perform such duties and receive such compensation as may be prescribed by law. The clerks of the supreme court shall be elected, in each division, by the qualified electors thereof, for the term of six years, and until their successors shall have been elected and qualified; whose duties and compensation shall be provided by law.

§ 30. The first grand division, for the election of judges of the supreme court, shall consist of the counties of Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, Saline, Williamson, Johnson, Union, Jackson, Randolph, Perry, Franklin, Hamilton, White, Wabash, Edwards, Wayne, Jefferson, Washington, Monroe, Saint Clair, Clinton, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Bond, Madison, Jersey, and Calhoun.

The second grand division shall consist of the counties of Edgar, Coles, Moultrie, Shelby, Montgomery, Macoupin, Greene, Pike, Adams, Highland, Hancock, McDonough, Schuyler, Brown, Fulton, Mason, Cass, Morgan, Scott,

Sangamon, Christian, Macon, Piatt, Champaign, Vermilion, De Witt, Logan, Menard, Cumberland, and Clark.

The third grand division shall consist of the counties of Henderson, Warren, Knox, Peoria, Tazewell, Woodford, McLean, Livingston, Iroquois, Will, Grundy, Kendall, La Salle, Putnam, Marshall, Stark, Bureau, Henry, Mercer, Rock Island, Whiteside, Lee, Carroll, Jo Daviess, Stephenson, Winnebago, Ogle, De Kalb, Boone, Kane, McHenry, Lake, Cook, and Du Page.

§ 31. The terms of the supreme court for the first division shall be held at Mount Vernon, in Jefferson county; for the second division, at Springfield, in Sangamon county; for the third division, at Ottawa, in La Salle county, until some other place in either division is fixed by law.

§ 32. Appeals and writs of error may be taken from the circuit court of any county to the supreme court held in the division which includes such county, or, with the consent of all the parties in the cause, to the supreme court in the next adjoining division.

§ 33. The foregoing districts may, after the taking of each census by the state, be altered, if necessary, to equalise the said districts in population; but such alteration shall be made by adding to such district such adjacent county or counties as will make said district nearest equal in population; *Provided*, no such alteration shall affect the office of any judge then in office.

ARTICLE VI.

ON ELECTIONS AND THE RIGHT OF SUFFRAGE.

§ 1. In all elections, every white male citizen above the age of twenty-one years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.

§ 2. All votes shall be given by ballot.

§ 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

§ 4. No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

§ 5. No elector shall be deemed to have lost his residence in this state by reason of his absence on the business of the United States, or of this state.

§ 6. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this state, in consequence of being stationed at any military or naval place within the same.

§ 7. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next before the election or appointment.

§ 8. The general assembly shall have full power to pass laws excluding from the right of suffrage persons convicted of infamous crimes.

§ 9. The general elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law.

ARTICLE VII.

OF COUNTIES.

§ 1. No new county shall be formed or established by the general assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

§ 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

§ 3. All territory which has been or may be stricken off, by legislative enactment, from any organised county or counties, for the purpose of forming a new county, and which shall remain unorganised after the period provided for such organisation, shall be and remain a part of the county or counties from which it was originally taken, for all purposes of county and state government, until otherwise provided by law.

§ 4. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of a majority of the voters of the county to which it is proposed to be added.

§ 5. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county shall have voted in favor of its removal to such point.

§ 6. The general assembly shall provide, by a general law, for a township organisation, under which any county may organise whenever a majority of the voters of such county, at any general election, shall so determine; and whenever any county shall adopt a township organisation, so much of this constitution as provides for the management of the fiscal concerns of the said county by the county court may be dispensed with, and the affairs of said county may be transacted in such manner as the general assembly may provide.

§ 7. There shall be elected in each county in this state, by the qualified electors thereof, a sheriff, who shall hold his office for the term of two years, and until his successor shall have been elected and qualified; *Provided*, no person shall be eligible to the said office more than once in four years.

ARTICLE VIII.

MILITIA.

§ 1. The militia of the state of Illinois shall consist of all free male able-bodied persons, (negroes, mulattoes, and Indians excepted,) resident of the state, between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this state, and shall be armed, equipped, and trained as the general assembly may provide by law.

§ 2. No person or persons, conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

§ 3. Company, battalion, and regimental officers, staff officers excepted, shall be elected by the persons composing their several companies, battalions, and regiments.

§ 4. Brigadier and major generals shall be elected by the officers of their brigades and divisions, respectively.

§ 5. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the legislature may provide.

§ 6. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and election of officers, and in going to and returning from the same.

ARTICLE IX.

OF THE REVENUE.

§ 1. The general assembly may, whenever they shall deem it necessary, cause to be collected from all able-bodied, free white male inhabitants of this state, over the age of twenty-one years and under the age of sixty years, who are entitled to the right of suffrage, a capitation tax of not less than fifty cents, nor more than one dollar each.

§ 2. The general assembly shall provide for levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his or her property; such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct, and not otherwise; but the general assembly shall have power to tax pedlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery keepers, toll-bridges, and ferries, and persons using and exercising franchises and privileges, in such manner as they shall from time to time direct.

§ 3. The property of the state and counties, both real and personal, and such other property as the general assembly may deem necessary for school, religious, and charitable purposes, may be exempted from taxation.

§ 4. Hereafter no purchaser of any land or town lot, at any sale of lands or town lots for taxes due either to this state or any county, or incorporated town or city within the same; or at any sale for taxes or levies authorised by the laws of this state, shall be entitled to a deed for the lands or town lot so purchased until he or she shall have complied with the following conditions, to wit: Such purchaser shall serve, or cause to be served, a written notice of such purchase on every person in possession of such land or town lot, three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county in which such lot or land is situated; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance; which affidavit shall be delivered to the person authorised by law to execute such tax deed, and which shall by him be filed with the officer having custody of the records of lands and lots sold for taxes and entries of redemption in the county where such land or lot shall lie, to be by such officer entered on the records of his office, and carefully pre-

served among the files of his office; and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury, and punished accordingly. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such land or lot from such tax sale shall be permitted to redeem, he or she shall pay the officer or person who by law is authorised to receive such redemption money, the printer's fee for publishing such notice, and the expenses of swearing or affirming to the affidavit, and filing the same.

§ 5. The corporate authorities of counties, townships, school districts, cities, towns, and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the general assembly shall require that all the property within the limits of municipal corporations, belonging to individuals, shall be taxed for the payment of debts contracted under authority of law.

§ 6. The specifications of the objects and subjects of taxation shall not deprive the general assembly of the power to require other objects or subjects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution.

ARTICLE X.

CORPORATIONS.

§ 1. Corporations, not possessing banking powers or privileges, may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and, in cases where, in the judgment of the general assembly, the objects of the corporation cannot be attained under general laws.

§ 2. Dues from corporations, not possessing banking powers or privileges, shall be secured by such individual liabilities of the corporators, or other means, as may be prescribed by law.

§ 3. No state bank shall hereafter be created, nor shall the state own or be liable for any stock in any corporation or joint stock association for banking purposes, to be hereafter created.

§ 4. The stockholders in every corporation, or joint stock association for banking purposes, issuing bank notes, or any kind of paper credits to circulate as money, shall be individually responsible, to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

§ 5. No act of the general assembly, authorising corporations or associations with banking powers, shall go into effect, or in any manner be in force, unless the same shall be submitted to the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for and against such law.

§ 6. The general assembly shall encourage internal improvements, by passing liberal general laws of incorporation for that purpose.

ARTICLE XI.

COMMONS.

All lands which have been granted, as a "common," to the inhabitants of any town, hamlet, village, or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain com-

mon to the inhabitants of such town, hamlet, village, or corporation; but the said commons, or any of them, or any part thereof, may be divided, leased, or granted, in such manner as may hereafter be provided by law, on petition of a majority of the qualified voters interested in such commons; or any of them.

ARTICLE XII.

AMENDMENTS TO THE CONSTITUTION.

§ 1. Whenever two-thirds of all the members elected to each branch of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors, at the next election of members of the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the electors of the state voting for representatives have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as the house of representatives at the time of making said call, to be chosen in the same manner, at the same place, and by the same electors, in the same districts that chose the members of the house of representatives; and which convention shall meet within three months after the said election, for the purpose of revising, altering, or amending this constitution.

§ 2. Any amendment or amendments to this constitution may be proposed in either branch of the general assembly; and if the same shall be agreed to by two-thirds of all the members elect in each of the two houses, such proposed amendment or amendments shall be referred to the next regular session of the general assembly, and shall be published at least three months previous to the time of holding the next election for members of the house of representatives; and if, at the next regular session of the general assembly after said election, a majority of all the members elect in each branch of the general assembly shall agree to said amendment or amendments, then it shall be their duty to submit the same to the people at the next general election, for their adoption or rejection, in such manner as may be prescribed by law; and if a majority of all the electors voting at such election for members of the house of representatives shall vote for such amendment or amendments, the same shall become a part of the constitution. But the general assembly shall not have power to propose an amendment or amendments to more than one article of the constitution at the same session.

ARTICLE XIII.

That the general, great, and essential principles of liberty and free government may be recognised and unalterably established, WE DECLARE:

§ 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, and of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

§ 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness.

§ 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

§ 4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

§ 5. That all elections shall be free and equal.

§ 6. That the right of trial by jury shall remain inviolate; and shall extend to all cases at law, without regard to the amount in controversy.

§ 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

§ 8. That no freeman shall be imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land.

§ 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the county or district wherein the offence shall be committed, which county or district shall have been previously ascertained by law; and that he shall not be compelled to give evidence against himself.

§ 10. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war or public danger; *Provided*, that justices of the peace shall try no person, except as a court of inquiry, for any offence punishable with imprisonment or death, or fine above one hundred dollars.

§ 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives in the general assembly, nor without just compensation being made to him.

§ 12. Every person within this state ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

§ 13. That all persons shall be bailable by sufficient sureties, unless for capital offences where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when, in cases of rebellion or invasion, the public safety may require it.

§ 14. All penalties shall be proportioned to the nature of the offence; the true design of all punishment being to reform, not to exterminate mankind.

§ 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

§ 16. There shall be neither slavery nor involuntary servitude in this state, except as a punishment for crime whereof the party shall have been duly convicted.

§ 17. No *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

§ 18. That no person shall be liable to be transported out of this state for any offence committed within the same.

§ 19. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

§ 20. The military shall be in strict subordination to the civil power.

§ 21. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

§ 22. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in manner prescribed by law.

§ 23. The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

§ 24. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court, as in other cases.

§ 25. Any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise, in such manner as is or may be prescribed by law.

§ 26. That from and after the adoption of this constitution, every person who shall be elected or appointed to any office of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this state, shall, before he enters upon the duties of his office, in addition to the oath prescribed in this constitution, take the following oath: "I do solemnly swear (or affirm, as the case may be,) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of either party, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the constitution; and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel, during my continuance in office. So help me God."

ARTICLE XIV.

The general assembly shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this state; and to effectually prevent the owners of slaves from bringing them into this state, for the purpose of setting them free.

ARTICLE XV.

There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: the fund so created shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may, for that purpose, be presented by the holders of the same, to be entered as credits upon, and, to that extent, in extinguishment of the principal of said indebtedness.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this state, and to carry the same into complete effect, it is hereby ordained and declared :

§ 1. That all laws in force at the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this state, individuals or bodies corporate, shall continue and be as valid as if this constitution had not been adopted.

§ 2. That all fines, penalties, and forfeitures due and owing to the state of Illinois under the present constitution and laws, shall enure to the use of the people of the state of Illinois under this constitution.

§ 3. Recognizances, bonds, obligations, and all other instruments entered into or executed, before the adoption of this constitution, to the people of the state of Illinois, to any state or county officer or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of the state.

§ 4. That "article XI," entitled "commons," is hereby adopted as a part of the constitution of this state, without being submitted to be voted upon by the people.

§ 5. That at the first election fixed by this constitution for the election of judges, there shall be elected one circuit judge in each of the nine judicial circuits now established in this state.

§ 6. The county commissioners' courts and the probate justices of the several counties shall continue in existence and exercise their present jurisdiction until the county court, provided in this constitution, is organised in pursuance of an act of the general assembly to be passed at its first session.

§ 7. That the clerk of the circuit court, in each county fixed by this constitution as the place for holding the supreme court, except in the county of Sangamon, shall be *ex officio* clerk of the supreme court, until the clerks of said court shall be elected and qualified, as provided in this constitution, and all laws now in force, in relation to the clerk of the supreme court, shall be applicable to said clerks and their duties.

§ 8. That the sheriffs, state attorneys, and all other officers elected under this constitution, shall perform such duties as shall be prescribed by law.

§ 9. That the oaths of office herein required to be taken may be administered by a justice of the peace until otherwise provided by law.

§ 10. That this constitution shall be submitted to the people for their adoption or rejection, at an election to be held on the first Monday in March, A. D. 1848, and there shall also be submitted for adoption or rejection at the same time, the separate articles in relation to the emigration of colored persons and the public debt.

§ 11. That every person entitled to vote for members of the general assembly, by the constitution and laws now in force, shall, on the first Monday in March, A. D. 1848, be entitled to vote for the adoption or rejection of this constitution, and for and against the aforesaid articles separately submitted, and the said qualified electors shall vote in the counties in which they respectively reside, at the usual places of voting, and not elsewhere; and the said election shall be conducted according to the laws now in force in relation to the election of governor, so far as applicable, except as herein otherwise provided.

§ 12. That the poll-book to be used at said election shall, as nearly as practicable, be in the following form, to wit :

POLL-BOOK of an election held at ——— precinct, in the county of ———, on the first Monday of March, A. D. 1848, for the adoption or rejection of the Constitution and the separate articles submitted.

NAMES OF THE VOTERS.	Adoption of Constitution.	Rejection of Constitution.	For the article in relation to colored persons.	Against the article in relation to colored persons.	For the article for the two mill tax.	Against the article for the two mill tax.
A. B. . . .	1		1		1	
C. D. . . .		1	2		2	
[E. F.] . . .	2			1	3	
[G. H.] . . .			3			1

§ 13. That the returns of the votes for the adoption or rejection of this constitution, and for and against the separate articles submitted, shall be made to the secretary of state, within fifty days after the election, and the returns of the votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer and secretary of state, or any two of them, in the presence of the governor, and proclamation shall be made by the governor, forthwith, of the result of the polls. If it shall appear that a majority of all the votes polled are for the adoption of this constitution, it shall be the supreme law of the land, from and after the first day of April, A. D. 1848, but if it shall appear that a majority of the votes polled were given against the constitution, the same shall be null and void. If it shall further appear that a majority of the votes polled shall have been given for the separate article in relation to colored persons, or the article for the two mill tax, then said article, or articles, shall be and form a part of this constitution; otherwise said article, or articles, shall be null and void.

§ 14. That if this constitution shall be ratified by the people, the governor shall, forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties in this state; or, in case of vacancy, to the coroners, for the election of all the officers, the time of whose election is fixed by this constitution, or schedule; and it shall be the duty of said sheriffs or coroners to give at least twenty days' notice of the time and place of said election, in the manner now provided by law.

§ 15. The general assembly shall, at its first session after the adoption of this constitution, provide by law for the mode of voting by ballot, and also for the manner of returning, canvassing, and certifying the number of votes cast at any election; and until said law shall be passed, all elections shall be *viva voce*, and the laws now in force regulating elections shall continue in force until the general assembly shall provide otherwise, as herein directed.

§ 16. That the first general election of governor, secretary of state, auditor, treasurer, and members of the general assembly, and of such other officers as are to be elected at the same time, shall be held on the first Monday of August, eighteen hundred and forty-eight, any thing in this constitution to the contrary notwithstanding. County officers then elected shall hold their respective offices un-

til their successors are elected or appointed, in conformity with laws hereafter enacted.

§ 17. That returns of the election of justices of the supreme and judges of the circuit courts, secretary of state, auditor, and treasurer, shall be made and canvassed as is now provided by law for representatives in congress; and returns for members of the general assembly and county officers shall be made and canvassed as is now provided by law.

§ 18. That all laws of the state of Illinois, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

§ 19. On the first Monday in December, one thousand eight hundred and forty-eight, the term of office of judges of the supreme court, state's attorneys, and of the clerks of the supreme and circuit courts, shall expire; and on said day, the term of office of the judges, state's attorneys, and clerks elected under the provisions of this constitution, shall commence. The judges of the supreme court, elected as aforesaid, shall have and exercise the powers and jurisdiction conferred upon the present judges of that court; and the said judges of the circuit courts shall have and exercise the powers and jurisdiction conferred upon the judges of those courts, subject to the provisions of this constitution.

§ 20. On the first Monday in December, one thousand eight hundred and forty-eight, jurisdiction of all suits and proceedings then pending in the present supreme court shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings then pending in the circuit courts of the several counties shall be vested in the circuit courts of said counties.

§ 21. The Cook and Jo Daviess county courts shall continue to exist, and the judge and other officers of the same remain in office until otherwise provided by law.

§ 22. Until otherwise provided by law, the terms of the supreme court shall be held as follows: In the first division, on the first Monday of December, A. D. 1848, and annually thereafter. In the second division, on the third Monday of December, A. D. 1848, and annually thereafter. In the third division, on the first Monday of February, A. D. 1849, and annually thereafter. The sheriffs of Jefferson and La Salle counties shall perform the same duties and receive the same compensation as is required and provided for the sheriff of Sangamon county, until otherwise provided by law.

§ 23. Nothing in this constitution shall prevent the general assembly from passing such laws in relation to the apprenticeship of minors, during their minority, as may be necessary and proper.

§ 24. That the general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

§ 25. Elections of judges of the supreme and circuit courts shall be subject to be contested.

§ 26. Contested elections of judges of the supreme court shall be tried by the senate, and of judges of the circuit court by the supreme court, and the general assembly shall prescribe the manner of proceeding therein.

DONE in convention, at the capitol, in the city of Springfield, on the thirty-first day of August, in the year of our Lord one thousand eight hundred and forty-seven, and of the Independence of the United States of America, the seventy-second.

LAWS OF 1849.

AN ACT making partial appropriations for defraying the expenses of this general assembly. In force January 11, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, required to draw warrants on the treasury for the sum of fifty dollars to each member of the senate and house of representatives, and warrants for a like sum to the speaker of each house, the secretary and assistant secretary of the senate, the clerk and assistant clerk of the house of representatives, the enrolling and engrossing clerk of each house, each of the doorkeepers and assistant doorkeepers, and the sum of thirty dollars to the copyists of the journals of each house, as also the sum of seventy-four dollars to ex-lieutenant governor Wells, for his services as speaker of the senate during the present session. Auditor to draw warrants. To members and officers. To Gov. Wells.

§ 2. That any money now in the treasury, or which may be received into the treasury previous to the 1st March, 1849, and not otherwise appropriated by law, shall be applied to the payment of the current expenses of the present session.

§ 3. This act to be in force from and after its passage.

APPROVED January 11, 1849.

AN ACT making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session. In force February 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the following appropriations be, and the same are hereby, made to the members and officers of the general assembly, and for the salaries of the officers of the government, until the adjournment of the next regular session thereof; it being understood and intended that the appropriations hereinafter mentioned, shall extend to the next regular session of the general assembly, as well as to the present:

1. To the speaker of the senate and of the house of representatives, each, the sum of three dollars per day for the first forty-two To speakers.

days' attendance, and two dollars per day for each day's attendance thereafter.

To members. 2. To each member of the senate and of the house of representatives, the sum of two dollars per day for the first forty-two days' attendance, and one dollar per day for each day's attendance thereafter.

Mileage. 3. There shall be allowed to each of the members of the general assembly, including the speakers of both houses, ten cents per mile for each necessary mile's travel in going to and returning from the seat of government.

Secretaries of senate, and clerks of house. 4. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerk of the house of representatives, each, the sum of four dollars per day.

Sergeant-at-arms, and doorkeepers. 5. To the sergeant-at-arms and assistant sergeant-at-arms of the senate, and to the doorkeeper and assistant doorkeeper of the house of representatives, each, the sum of the three dollars per day.

Eng. clerks. 6. To the engrossing and enrolling clerks of the senate and of the house of representatives, each, the sum of three dollars per day.

As. eng. clerks. 7. To the assistant engrossing and enrolling clerks of the senate and house of representatives, each, the sum of three dollars per day for the time actually employed, to be certified by the principal.

Copyists. 8. To the copyists of the journals of the senate and house of representatives, each, the sum of three dollars per day, at the present session of the general assembly. And the compensation hereby allowed to each of the officers and members of the general assembly shall be certified by the speakers of the respective houses, and entered on the journals, and published at the close of the session; *Provided*, that the compensation of the speaker of the senate shall be certified by the secretary thereof, and the compensation of the speaker of the house shall be certified by the clerk thereof, and entered on the journals, and published as aforesaid; which said certificates, when made and signed as aforesaid, shall be sufficient evidence to the auditor of each person's claim respectively; who shall issue his warrant on the treasury for the amount to which such person shall be entitled as aforesaid, to be paid out of any moneys in the treasury not otherwise appropriated.

To J. M. Davidson. To James M. Davidson, for seven days' attendance as doorkeeper of the house at the present session of the general assembly, twenty-one dollars.

To clergymen. To the clergymen of Springfield who have officiated as chaplains to the general assembly, the sum of one hundred and twenty-six dollars, to be divided among them as they shall agree among themselves.

§ 2. The following sums are hereby appropriated for the salaries of the officers hereinafter mentioned, until the adjournment of the next regular session of the legislature, as aforesaid:

To the governor. 1. To the governor, at the rate of fifteen hundred dollars per annum.

Auditor. 2. To the auditor of public accounts, at the rate of one thousand dollars per annum, exclusive of clerk hire; and to the said auditor at the rate of eleven hundred dollars per annum for clerk hire; and he is hereby required to keep two clerks constantly employed in

his office until the adjournment of the next regular session, as aforesaid.

3. To the state treasurer, at the rate of eight hundred dollars per annum, and no more. State treasurer.

4. To the secretary of state, at the rate of eight hundred dollars per annum, and no more. Sec'y of state.

5. To each of the judges of the supreme court of this state, at the rate of twelve hundred dollars per annum. Judges of the supreme court.

6. To each of the judges of the circuit courts of this state, at the rate of one thousand dollars per annum. Judges of the circuit court.

7. To each of the state's attorneys in the several judicial circuits of this state, at the rate of two hundred and fifty dollars per annum. State's attorneys.

8. To each of the inspectors of the penitentiary, at the rate of one dollar and fifty cents per day; *Provided*, the same shall not exceed, to each, more than the sum of one hundred dollars per annum. Inspectors of the penitentiary.

9. To Michael McNamara, the porter to the state offices, at the rate of three hundred and sixty-five dollars per annum. M. McNamara.

10. To the secretary employed in the fund commissioner's office, at the rate of four hundred dollars per annum, to be employed no longer than is necessary in the opinion of the governor. And it shall be the duty of the auditor of public accounts to issue his warrant on the treasurer for quarterly payments to the foregoing named officers. Secretary fund commissioner.

To the judge of the Cook county court, erected by an act approved 21st February, 1845, at the rate of six hundred dollars per annum. Judge of Cook county court.

To the prosecuting attorney of the said Cook county court, at the rate of one hundred and fifty dollars per annum. Attorney do.

APPROVED February 12, 1849.

AN ACT supplemental to an act making appropriations for the pay of members and officers of the present general assembly. In force Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the doorkeeper and assistant doorkeeper of the senate and house of representatives be allowed fifty cents per day in addition to the sum allowed by the bill passed at the present session of the general assembly. Additional pay to doorkeepers.

APPROVED February 12, 1849.

AN ACT to provide for the ordinary and contingent expenses of the government, until the adjournment of the next regular session of the general assembly, and for sundry accounts for materials and necessities furnished for the use of the state. In force Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the following sums be, and the same are hereby, appropriated to meet the ordinary and contin-

gent expenses of the government until the adjournment of the next regular session of the general assembly of the state of Illinois:

- Conting'nt fund 1. The sum of eight thousand dollars, as a contingent fund to meet the contingent expenses of the state government; and the said fund shall be subject to the order of the governor, for the purpose of defraying all such expenses as are unforeseen by the general assembly, or are unprovided for by law, and a proper statement of which shall be laid before the next general assembly by the auditor in his biennial report.
- Incidental ex- 2. The sum of four thousand six hundred dollars, as a fund to penses. meet the incidental expenses of the state government, which shall be appropriated as follows, to wit:
- For auditor's office. To the auditor's office, for blanks, patents, books, postage, repairs, furniture, abstracts of lands, &c., the sum of twenty-three hundred and fifty dollars.
- For treasurer's office. To the office of state treasurer, for books, furniture, postage, candles, &c., the sum of two hundred dollars.
- For secret'ry of state's office. To the office of secretary of state, for postage, printing, commissions, blanks, circulars, candles, blank books, freight bills, furniture, &c., the sum of fifteen hundred dollars.
- For executive department. To the executive department, for postage, candles, blank books, furniture, &c., the sum of five hundred and fifty dollars.
- For clerk in ex. department. 3. The sum of three dollars per day for the time actually employed, for the hire of a clerk during the present and the next regular session of the legislature, in the executive department, the amount to be certified by the governor, and his certificate shall be sufficient evidence to the auditor, who shall issue his warrant to the treasurer for the same, and the said treasurer shall pay the same out of any moneys not otherwise appropriated.
- To M. McNamara. The sum of one dollar to Michael McNamara, for fixing speaker's chair.
- For repairs of gov'nor's house 4. The sum of one hundred dollars, for repairs of the governor's house.
- § 2. That the following sums be, and the same are hereby, appropriated to meet the following accounts incurred by the present general assembly, viz: The sum of twenty dollars and seventy-two cents to Hickox & Brother, for articles furnished the state; the sum of seven dollars and thirty cents to Birchall & Owen, for binding rules, &c.; the sum of six dollars twenty cents to J. W. Keys, for administering oaths to the present general assembly; the sum of ten dollars to Jackson A. Hough, for post office box and drawers; the sum of fifty dollars to John Van Horn, for translating the new constitution of the state into the German language, as ordered by the convention; the sum of eight dollars and twenty-four cents to D. & I. P. Spear, for locks, screws, &c.; the sum of eight dollars and ninety cents to Lewis, Adams & Co., for hall lamps, pitchers, &c.; the sum of three dollars to Lavelly & Stout, for one dozen brooms, pitchers, &c.; the sum of one dollar per day to Thomas Connor and Nicholas Hogan, the two extra hands employed for carrying wood, &c., for the use of the senate and house of representatives, each—to be certified to the auditor by the secretary of state; the sum of two hundred and forty three dollars and sixteen cents to J. Bunn, for sperm candles and sundries furnished for the use of the state; the sum necessary to pay the expenses of fitting up the court rooms of the three grand divisions of the supreme court, furnishing furniture, &c., as provided for by an act author-
- To Hickox & Brother.
- To Birchall & Owen.
- To J. W. Keys.
- To J. A. Hough.
- To J. Van Horn.
- To D. & I. P. Spear.
- To Lewis, Adams & Co.
- To Lavelly & Stout.
- To T. Connor and N. Hogan.
- To J. Bunn.
- For fitting up court rooms.

ising the judges of said court to have the same done, and to audit the accounts, passed at this session, is hereby appropriated, and the auditor shall issue his warrant on the treasurer for the same, upon the presentation of the certificate of the judges of the said court, or either of them; the sum of twenty-five dollars to John B. Blackford, for services rendered by him as commissioner under "an act to provide for the sale of property in White county," passed February 27, 1847; the sum of two hundred dollars to such persons as have been, or may be, employed by the secretary of state to index and make marginal notes to the laws and journals of the present session of the general assembly; and the sum of fifty dollars to such person or persons as have been, or may be, employed by the secretary of state to copy the laws of the present session for publication in the newspapers at Springfield—warrants to be drawn by the auditor for the last two mentioned sums upon the certificate of the secretary of state; the sum of one hundred dollars to the publishers of the State Register, and one hundred dollars to the publishers of the Journal, for publishing the laws of the present session, to be paid after the services shall have been rendered; also the sum of one hundred dollars to the Illinois Temperance Organ, for publishing the laws of the present general assembly of the state of Illinois; and the auditor is hereby authorised to issue his warrant, or warrants, on the treasurer for the above mentioned sums; and the treasurer is hereby required to pay the same out of any moneys in the treasury not otherwise appropriated.

To J. B. Blackford.

For indexing, &c., laws and journals.

For copying laws for papers.

To Register, Journal, and Organ.

APPROVED February 12, 1849.

AN ACT to pay the expenses of the joint select committee therein named.

In force Feb. 6, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts of this state be, and he is hereby, directed to issue his warrants upon the treasurer for the sum of twenty-one dollars and thirty-four cents, in favor of, and to each of the joint select committee appointed by this general assembly to visit the state penitentiary, and who did, in accordance with such appointment, visit said penitentiary.

For pay of joint committee.

§ 2. That the treasurer be, and he is hereby, directed to pay the warrants directed to be issued by the foregoing section, from any funds now in the treasury not expressly appropriated.

This act to take effect from and after its passage.

APPROVED February 6, 1849.

AN ACT to compensate Mason Brayman for services performed for the state by appointment of the general assembly.

In force Feb. 10, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor issue his warrant in favor of Mason Brayman for the sum of eight hundred dol-

To M. Brayman

lars, in full for his services, from the 3d of March to the 26th of October, 1845, in completing and superintending the publication of the revised statutes, making index to the same, &c., under his appointment by the general assembly, by virtue of sec. 10, chap. 90 of the revised statutes. This act to take effect from and after its passage.

APPROVED February 10, 1849.

In force Feb.
10, 1849.

AN ACT making an allowance to Johnson & Bradford, for binding the revised statutes.

To Johnson &
Bradford.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the sum of eight hundred and fifty-nine dollars be, and the same is hereby, allowed to Johnson & Bradford, in full for the amount due them on account of the miscalculation of the officer having charge of the publication of the revised laws; and the auditor of public accounts is hereby authorised to issue his warrant on the treasurer, to said Johnson & Bradford, for the above mentioned sum.

§ 2. This act to take effect from and after its passage.

APPROVED February 10, 1849.

In force Jan.
26, 1849.

AN ACT making an appropriation to pay for the distribution of the journals of the constitutional convention, and for other purposes.

To D. E. Ruckel
To J. S. Brad-
ford.

To P. Warren.

To J. S. Brad-
ford.

Audit'r to issue
warrants.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the following sums be, and they are hereby, appropriated to the persons hereinafter mentioned, to wit: To D. E. Ruckel, for making post office case, seven dollars; to John S. Bradford, for distributing the journals of the constitutional convention, and the address of the superintendant of common schools, in fifty counties of this state, being two thousand two hundred and twenty-three miles' travel, four hundred forty-four dollars and sixty cents; to Peter Warren, for distributing the journals of the constitutional convention, and the address of the superintendant of common schools, in forty counties of this state, being nineteen hundred miles' travel, three hundred and eighty dollars; and to John S. Bradford, for indexing the journals of the constitutional convention, thirty dollars.

§ 2. The auditor of the state of Illinois is hereby authorised and directed to issue his warrants on the treasurer to each of the above named persons, for the sums appropriated to them respectively. This act to take effect from and after its passage.

APPROVED January 26, 1849.

AN ACT to pay certain persons the balance due them from the state.

In force
Feb. 3, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That there shall be paid to each of the persons named in the schedule hereunto annexed, the amounts respectively due to such person as is shown in the third column of such schedule, and the auditor is hereby authorised and required to draw warrants upon the treasury for the balance due each officer, or other individual, named in said schedule, for the amount due him, as appears thereby; *Provided,* that the auditor shall not draw warrants in favor of any of said claimants, except by order of said claimant or his legal representative, to be expressed in writing and filed with the auditor.

APPROVED February 3, 1849.

A LIST showing the pay, the amount received, and the amount due the persons therein named, called into service by the governor, to suppress the Hancock disturbances.

Names.—Rank.	Time in service.	Total pay.	Amount received.	Amount due.
	<i>Days.</i>			
John J. Hardin, brig. general, -	24	\$187 44	\$120 69	\$66 75
W. B. Warren, brig. major, -	24	122 60	39 41	83 19
S. A. Douglas, aid, -	24	81 60	39 41	42 19
J. A. McDougall, aid, -	24	81 60	39 41	42 19
O. M. Hatch, quartermaster, -	24	81 60	39 41	42 19
Z. N. Garbat, quartermaster, -	24	73 44	39 41	34 03
M. S. Morris, quartermaster, -	24	73 44	39 41	34 03
Jno. Neely, commissary, -	24	73 44	39 41	34 03
W. M. Warren, commissary, -	24	73 44	39 41	34 03
R. Worthington, surgeon, -	24	92 20	39 41	52 79
M. K. Anderson, adjutant general, -	19	103 70	32 30	71 40
<i>First Battalion.</i>				
Peter Roberts, major, -	21	66 15	41 58	24 57
J. M. McClain, adjutant, -	15	30 42	12 15	18 27
I. R. Bennet, quartermaster, -	15	30 42	12 15	18 27
J. S. Price, paymaster, -	23	53 42	31 42	22 00
L. J. Ladd, quartermaster sergeant, -	21	20 37	15 75	4 62
J. W. Pratt, sergeant major, -	15	17 55	14 25	3 30
J. W. Smith, captain, -	19	43 42	29 93	13 49
S. Hardin, 1st lieutenant, -	19	33 34	20 43	12 81
Thos. Kerlin, 2d lieutenant, -	19	33 34	20 43	12 81
W. Hill, 3d lieutenant, -	10	33 34	20 43	12 81
M. W. Delahay, captain, -	15	41 78	22 13	19 65
C. H. Havercluit, 1st lieutenant, -	15	33 53	14 63	18 90
J. Hickey, 2d lieutenant, -	15	33 53	14 63	18 90
E. M. Mallory, captain, -	19	53 49	26 60	26 89
S. Powell, 1st lieutenant, -	19	43 04	17 10	25 94
R. Stoker, 2d lieutenant, -	19	43 04	17 10	25 94
R. W. Price, 3d lieutenant, -	19	43 04	31 42	11 62
B. B. McCormack, captain, -	19	58 51	30 00	28 51
G. W. Evans, 1st lieutenant, -	19	45 96	19 50	26 46
J. S. Wright, 2d lieutenant, -	19	45 96	19 50	26 46
M. Turner, captain, -	19	58 51	30 00	28 51
S. M. Burch, 1st lieutenant, -	19	45 96	19 50	26 46
W. J. Wyatt, 2d lieutenant, -	19	45 96	19 50	26 46

(c)

LIST—Continued.

Schedule.

Names.—Rank.		Time of service.	Total pay.	Amount received.	Amount due.
<i>Second Battalion.</i>		<i>Days.</i>			
H. N. V. Holmes, major,	-	17	\$53 45	\$33 66	\$19 89
M. Hay, adjutant,	-	17	39 78	12 75	27 03
Jno. Porter, quartermaster,	-	17	39 78	12 75	27 03
J. D. Brents, captain,	-	17	43 52	21 25	22 27
W. Kinman, 1st lieutenant,	-	17	34 17	12 75	21 42
R. Lucas, 2d lieutenant,	-	17	34 17	12 75	21 42
J. B. Donaldson, captain,	-	17	43 52	21 25	22 27
W. R. Wills, 1st lieutenant,	-	17	34 17	12 75	21 42
Aury Brown, 2d lieutenant,	-	17	34 17	12 75	21 42
J. D. Morgan, captain,	-	17	29 08	18 85	10 23
B. M. Prentiss, 1st lieutenant,	-	17	20 95	12 35	8 60
W. Y. Henry, 2d lieutenant,	-	17	20 95	12 35	8 60
Chs. Everett, 3d lieutenant,	-	17	20 95	12 35	8 60
W. Vanpelt, captain,	-	17	36 72	24 65	12 07
A. M. Powell, 1st lieutenant,	-	17	27 37	16 15	11 22
J. Metz, 2d lieutenant,	-	17	27 37	16 15	11 22
W. B. Warren, major,	-	250	1175 23	601 22	573 75
W. M. Warren, commissary,	-	220	613 51	431 82	181 69
J. D. Morgan, captain,	-	240	674 40	523 20	151 20
W. Y. Henry, 1st lieutenant,	-	240	530 30	287 90	242 40
Chs. Everett, 2d lieutenant,	-	210	461 52	244 42	217 10
M. Turner, captain,	-	90	165 53	108 83	56 70
W. J. Wyatt, 1st lieutenant,	-	90	113 57	40 67	72 90
L. W. Sweet, 2d lieutenant,	-	90	78 32		78 32
P. Boulware, 2d lieutenant,	-	90	191 15	100 25	90 90
J. Hathaway, error in account,	-				69 51
L. J. Ladd, teamster, omitted,	-				42 00
Darius Elmore, teamster, omitted,	-				42 00
J. S. Pratt, ferriage, Meredosia,	-				27 37
Samuel P. Metz, a private in Captain Brent's company, omitted on list,	-				17 00
W. S. Spencer, forage furnished troops,	-				13 32
G. B. Thompson, ferriage, Beardstown,	-				70 45
Joseph Welsh, for lost horse,	-				40 00
Isaac Willson, boarding troops,	-				211 00

In force Jan.
31, 1849.

AN ACT to pay Harman G. Reynolds for services rendered during the last session of the general assembly.

Auditor to is-
sue warrant to
H. G. Reynolds.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be authorised and required to issue a warrant to Harman G. Reynolds, for such sum as may be found due herein, upon the certificate of the secretary of state, at the rate of two dollars per day, for services rendered by said Reynolds as assistant in the office of secretary of state, during the last session of the general assembly.

APPROVED January 31, 1849.

AN ACT to amend an act entitled "an act to amend an act making appropriations for the pay and expenses of the Illinois militia called into service by the commander in-chief, during the year 1844, in force February 26th, 1845," approved February 13th, 1847. In force Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That Thomas S. Brockman be, T. S. Brockman and he is hereby, substituted in lieu of John P. Nye, and he is hereby appointed agn't. authorised and empowered to draw from the treasury the sum of two hundred and seventy-eight dollars, appropriated by the act to which this is an amendment, and when drawn, to apply the same as directed in said act.

§ 2. The auditor is required to pay said money to the said Brock- Auditor to pay. man in lieu of said Nye, but before paying the same, the said Brockman shall be required to execute a bond upon the same terms as was required of the said Nye by the second section of the act to which this is an amendment.

§ 3. The said Brockman shall be subject to the same liabilities, Duties. and shall perform the same duties, as are required of and imposed upon said Nye by the third and fourth sections of the act to which this is an amendment.

§ 4. So much of the act to which this is an amendment as authorises the payment of said money to said Nye is hereby repealed. Part of act repealed.

APPROVED February 12, 1849.

AN ACT to appropriate money to J. R. Parker and others.

In force
Jan. 26, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, empowered and required to issue his warrant on the treasury of the state for the sum of two hundred and ninety-four dollars and eighty-one cents, in sums and to persons as follows: Auditor to issue warrants.

To James R. Parker, the sum of eighty-two dollars and eighty-seven cents; to J. C. Johnson, the sum of thirty-five dollars and fifty cents; to John Tharp, the sum of twenty-seven dollars; to Abel H. White, the sum of fourteen dollars; to George Thorn, the sum of fifteen dollars and twenty-five cents; to Benjamin Perry, the sum of twenty-one dollars and ninety-four cents; to Phillip Green, jr., the sum of fifteen dollars and seventy-five cents; to Joseph Long, twenty-seven dollars and fifty cents; to Hanson P. Fellows, the sum of eleven dollars and twenty-five cents; to Isaac Fox, the sum of twenty-seven dollars and fifty cents, and to H. Ostrander, the sum of fifteen dollars and seventy-five cents; which shall be payment in full for services rendered the state under the order of the governor, dated August 21st, 1846. To J. R. Parker and others.

§ 2. This shall take effect and be in force from and after its passage.

APPROVED January 26, 1849.

In force Feb. 12, 1849. AN ACT to compensate Porter Sergeant for powder furnished in the Hancock war.

Warrant to issue to Peter Sergeant. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, authorised to draw his warrant upon the treasurer in favor of Porter Sergeant, for the sum of one hundred and seventy-five dollars, being his pay in full for thirty-five kegs of powder furnished by him for the state.

To receipt. § 2. Upon receiving said auditor's warrant, said Porter Sergeant is required to give his receipt in full for said powder.

APPROVED February 12, 1849.

In force January 22, 1849.

AN ACT to refund certain money to John Pierson.

Money refunded to J Pierson. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the sum of one hundred dollars, with six per cent. interest per annum from the time of payment of said fine by said Pierson, to the day of drawing said warrant, be refunded to John Pierson, paid by him in consequence of a fine imposed upon said John Pierson by the supreme court of the state of Illinois; and that the auditor draw his warrant on the treasurer in favor of said Pierson, for the sum of one hundred dollars, paid by him, with interest as aforesaid; *Provided,* that this act shall not be considered as reflecting upon the court which assessed the fine proposed by this act to be refunded.

APPROVED January 22, 1849.

In force January 29, 1849. AN ACT to adjust the lease and claims of S. M. Tinsley & Co., on the Northern Cross Railroad.

Warrant to issue to S. M. Tinsley & Co. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, authorised and required to issue his warrant on the treasurer in favor of S. M. Tinsley & Co., for the sum of three thousand dollars, with interest thereon at the rate of six per cent. per annum, from the first day of January, 1845, in full for all claims said company may have against the state of Illinois on account of the Northern Cross Railroad; *Provided,* said company shall first file with the auditor a receipt in full of all claims, with six per cent. interest per annum thereon from the first day of January, 1845, which Watson and Morse (the original lessees of said road) may have against said company.

Receipt to be filed.

APPROVED January 29, 1849.

AN ACT to refund to Morgan county the sum therein mentioned.

In force Feb.
9, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the sum of five hundred and seventy-seven dollars and fifty cents, received through mistake by the auditor of public accounts, on the 25th day of March, A. D. 1847, upon the recognizances of George Crisman and others, be paid to the treasurer of Morgan county, pursuant to the provisions of the act approved February 28th, 1847, entitled "an act to provide for forfeited recognizances," and the auditor is hereby directed to issue warrants payable to the treasurer of Morgan county for said amount.

Money to be re-
funded to Mor-
gan county.

APPROVED February 9, 1849.

AN ACT to pay Babbitt, Haywood and Fulmer for printing delinquent tax lists for Hancock county, A. D. 1845.

In force Feb.
9, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, directed to issue his warrant upon the treasurer in favor of Almond W. Babbitt, Joseph L. Haywood, and John S. Fulmer, for the sum of two hundred and twenty dollars and twenty cents, in full of the amount due them for printing the delinquent tax list for Hancock county, for the year 1845.

Warrant to is-
sue to Babbitt,
&c.

This act to take effect from and after its passage.

APPROVED February 9, 1849.

AN ACT to pay Samuel A. Buckmaster the sum due him as agent of the fund commissioner.

In force Feb.
12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor draw his warrant upon the treasury in favor of Samuel A. Buckmaster, for the sum of two hundred and sixty-one dollars, for his services and expenses while acting as agent to the fund commissioner.

Warrant to is-
sue to S. A.
Buckmaster.

APPROVED February 12, 1849.

AN ACT requiring the auditor to furnish the several counties with tax sale records.

In force Feb-
ruary 12, '49.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, required to furnish each county in this state with a suitable book, containing a correct transcript of all the lands sold for taxes at the seat of government, and lying in said

Auditor to fur-
nish books.

county. Said transcript shall show all the facts in regard to said sales, redemptions, &c., that appear on the records in his office.

§ 2. The auditor is hereby authorised to employ a suitable person to do the work necessary to be done in making the transcripts aforesaid, who shall receive a salary at the rate of four hundred dollars per annum, to be paid out of the state treasury on the warrant of the auditor. The said book of transcripts of said sales and redemptions as aforesaid, is hereby declared a book of record, to be kept in the clerk's office of the proper county, and the original or copies thereof, certified by said clerk, shall be evidence to prove the facts, sales, redemptions, &c., shown by the entries in said book. This act shall be limited in its effects to the period of eight months.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1849.

In force April
13, 1849.

AN ACT authorising the trustees of the State Bank of Illinois to maintain suits at law.

Trustees au-
thorised to
maintain suits.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the trustees appointed by the governor of the state of Illinois, in pursuance of the second section of the act approved first of March, 1847, entitled "an act for finally closing the affairs of the State Bank of Illinois," and the survivor or survivors of them and their successors in said trust, may, in their own names as such trustees, commence, prosecute and maintain all suits, either at law or in equity, which may be necessary to collect all or any debt or debts, claims, dues or demands due to the president, directors and company of said bank, during the existence of its charter, or which may have become due or may hereafter become due to them as such trustees; and also, all actions of every kind which said president, directors and company of the State Bank of Illinois might have instituted or prosecuted if their charter had continued to exist.

§ 2. All suits and actions, either at law or in equity, which were depending in any of the courts of this state at the time the charter of said bank expired by the act aforesaid, in which said president, directors and company of the State Bank of Illinois were parties, either as plaintiffs or defendants, may be revived by or against said trustees, and in their names may be prosecuted to final trial.

APPROVED February 10, 1849.

In force Feb.
10, 1849.

AN ACT for the relief of the assignees of the Bank of Illinois, and to extend the time for the liquidation of the affairs of said bank.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the time for the liquidation of the affairs of said bank, pursuant to the provisions of "an act

supplemental to 'an act to reduce the public debt one million of dollars and to put the Bank of Illinois into liquidation,' " in force Feb. 28, 1845, be, and the same is hereby, extended to the first day of January, A. D. 1851.

Act of liquidation extended.

§ 2. That on all debts, dues and causes of action that have hitherto accrued to the president, directors and company of said bank, the assignees of said bank, or their successors in office, shall have power and authority to sue for and recover the same in their own names, in manner and form following, that is to say: Albert G. Caldwell, and Ebenezer Z. Ryan, and their successors in office, shall have such power and authority touching such debts, dues and causes of action as have accrued to, or been contracted with said bank at Shawneetown or Lawrenceville; and Samuel Dunlap and David A. Smith, as successor of John J. Hardin, deceased, and their successors in office, shall have such power and authority touching such debts, dues and causes of action as have accrued to, or been contracted with, said bank at Alton, Jacksonville or Pekin. And that all of said assignees, and their successors in office, shall have power jointly to sue in their own proper names, in ejectment or in chancery, for the recovery of, or establishment of, title to any real estate that may pertain to the execution of their trusts in the premises.

Assignees have power to sue, &c.

§ 3. That all actions at law or suits in chancery that have hitherto been instituted in any of the courts of this state, by the said president, directors and company of said bank, or in their names, or in the names of said assignees as aforesaid, to the use of their assignees as aforesaid, shall be maintainable in the names of said assignees, or their successors in office, with reference to their relation and respective rights as defined in section two of this act; *Provided, nevertheless*, that persons now indebted to the said Bank of Illinois, or to the assignees thereof, shall be allowed and permitted to pay all such indebtedness with the certificates of the said bank.

Suits, how maintained.

§ 4. That this act be considered and treated as a public act, and that it be in force from and after its passage.

APPROVED February 10, 1849.

AN ACT to establish the Illinois institution for the education of the blind.

In force January 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That Samuel D. Lockwood, Dennis Rockwell, James Dunlap, William W. Happy, and Samuel Hunt are hereby constituted a body politic and corporate, by the name of the "Illinois Institution for the education of the Blind," and by that name they and their successors shall have perpetual succession and existence, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to make and use a common seal and alter the same at pleasure, to take or receive, by grant deed, devise, bequest or otherwise, property, real, personal, and mixed, and have, hold, use, enjoy and convey the same; to adopt by-laws not inconsistent with the constitution and laws of the land, and to do all other acts necessary to the proper exercise of the powers, herein conferred.

Trustees.

School to be continued.	§ 2. The object and duty of the corporation shall be to continue and maintain the school for the education of the blind established in Jacksonville; and to qualify, as far as practicable, that unfortunate class of persons for the enjoyment of the blessings of free government, obtaining the means of subsistence, and the discharge of those duties, social and political, devolving upon American citizens.
Location.	§ 3. The school shall be continued in or near Jacksonville, and the corporation shall, as early as practicable, purchase a suitable lot of ground, containing not less than ten nor more than forty acres, and proceed to erect thereon suitable buildings, and make such improvements as are necessary for the school.
Duties of trustees.	§ 4. The persons named in the first section of this act, and their successors, shall be the trustees of the school, to whom power is given to employ the principal and all teachers, prescribe their duties, fix their compensation, and the price of instruction; prescribe the course of study, fix the price of board, and all other expenses in the school; employ a steward, and all other persons necessary to the maintenance and to carry on the operations of the school.
Persons to be admitted.	§ 5. All blind persons residing in Illinois, of suitable age and capacity to receive instruction, shall be received and taught in the said school, and no one of such persons shall be excluded from the privilege and benefits thereof by reasons of the reception of persons from other states or territories.
Limitation.	§ 6. The said corporation shall not take or hold property of any kind or description, or by any tenure, except such as may be for the use of the school and other purposes contemplated in this act.
Liabilities of trustees.	§ 7. The trustees for the time being shall be severally liable for the faithful application of all property, funds and effects which may be received for the use of the institution; and property, funds and effects received by gift, grant, donation, devise, or bequest shall be applied as directed by the person from whom received.
Officers of corporation.	§ 8. The officers of the corporation shall be a president, secretary and treasurer, who shall be appointed by the board of trustees; the president to be selected from their own number; the trustees to serve without compensation.
Term of trustees.	§ 9. The trustees mentioned in the first section of this act shall serve as follows, to wit: three shall serve for the term of four years, and two for the term of two years, and until their successors are appointed and qualified. The trustees shall meet within thirty days after the passage of this act, and organise, and determine by lot the three that shall serve four years, and the two that shall serve two
How appointed.	years. The governor shall appoint their successors, whose appointments shall commence on the fourth of March, and continue for four years, and until their successors are appointed and qualified.
Officers of school.	§ 10. The officers of the school shall be a principal, who shall have the general charge of the school, and such teachers as may from time to time be appointed. The academic and literary degrees usually conferred by institutions for the education of the blind, shall be conferred by this institution, and diplomas granted accordingly.
Privileges of scholars.	§ 11. Blind persons who may be placed in this school by or under the authority of the state, or any county, city, town or other public corporation, shall be kept, taught, and permitted to enjoy all the benefits and privileges of the school, be furnished with books, boarding, lodging, washing, fuel, lights, and allowed the use of the library, at not exceeding one hundred dollars for the academic year

of forty-two weeks. The provisions of this section to apply only to scholars sent from other states.

§ 12. To aid in the establishment of the school, there shall be paid to the said trustees, for the use of the institution, the proceeds of a tax of one-tenth of a mill upon every dollar's worth of taxable property in this state; which tax shall be assessed and collected annually with the taxes assessed and collected for the ordinary purposes of government. Tax levied.

§ 13. The treasurer of state shall receive the tax collected for the institution, and keep the same as a separate fund, to be known as the fund for the blind, and pay out the same, from time to time, in such amounts as may be necessary, in the judgment of the board of trustees, in conducting the business of the institution. The treasurer shall pay out the money on the warrants of the auditor, issued on the order of the governor, who is authorised to make the order on the application of the board of trustees. How kept and disbursed.

§ 14. For the purpose of enabling the trustees to commence the building of said institution, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of three thousand dollars; which shall be paid to the trustees on the warrant of the auditor of public accounts, who is authorised to issue the warrant on the order of the governor, who shall give the order upon the application of the trustees. Appropriation.

§ 15. The trustees, before entering upon the duties of their office, shall give bonds, payable to the people of the state of Illinois, conditioned for the faithful discharge of their duties, to be approved by the governor. Bonds required.

§ 16. The blind of this state, who are of suitable age and capacity, shall be received and taught in the school, and enjoy all the benefits and privileges of the same, free of charge. This act to take effect from and after its passage. Tuition of state pupils free.

APPROVED January 13, 1849.

AN ACT regulating the pay of brigade majors.

In force Feb.
12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That all laws authorising or requiring the auditor of public accounts to issue his warrant on the treasurer, in favor of brigade majors, for services rendered under the militia laws of this state, be, and the same are hereby, repealed; Law repealed.
Provided, that he shall pay for the services heretofore rendered under said laws and remaining unpaid, when the brigade major claiming the same shall present to the said auditor an affidavit in writing, setting forth the number of battalions that he has actually inspected, and that he performed the duties required of him by law, together with the certificate of the major general as now required by law.

§ 2. This act to take effect from and after its passage.

APPROVED February 12, 1849.

In force April 13, 1849. AN ACT for the incorporation of boards of trade and chambers of commerce.

Corporation,
how formed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That any number of persons, not less than twenty, residing in any town or city, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating themselves together may agree, and elect a president, one or more vice presidents, as they see fit, a secretary and treasurer, and ten or more directors, as they shall see fit, adopt a name, constitution and by-laws, such as they may agree upon, and shall thereupon become a body corporate and politic, in fact and in name, by the name, style or title which they may have adopted, and by that name shall have succession; shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity whatever, and they and their successors shall have a common seal, and may alter and change the same at their discretion.

Powers.

§ 2. Said corporation shall have the right to admit as members, such persons as they may see fit, and expel any members as they may see fit; and in all cases a majority of the members present at any stated meetings shall have the right to pass, and also the right to repeal, any by-laws of said corporation; and in all cases the constitution and by-laws adopted by such corporation shall be binding upon and control the same until altered, changed or abrogated, in the manner that may be prescribed in such constitution.

May hold real
estate.

§ 3. Said corporation, by the name and style which shall be adopted, shall be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *Provided*, such real estate shall not exceed in quantity one city, town, or village lot, and building, in the city, town or village where said corporation may be located.

Term of officers

§ 4. The officers shall hold their offices for the time which shall be prescribed in the constitution adopted by such corporation, and until others shall be elected and qualified, or prescribed by such constitution.

Duties of of-
ficers.

§ 5. The president, vice president, secretary, and treasurer, shall be *ex officio* members of the board of directors, and, together with the directors elected, shall manage the business of said corporation.

Officers, how
elected.

§ 6. All officers shall be elected by a plurality of votes given at any election, and a general election of officers shall be held at least once in each year; but in case of any accidental failure or neglect to hold such general election, the corporation shall not thereby lapse or terminate, but shall continue and exist, and the old officers shall hold over until the next general election of officers provided for in the constitution.

Awards, how
made.

§ 7. The award of any general committee of reference appointed by said corporation, upon any matter of difference submitted to such committee for arbitration in writing, with or without seal, by any member of said corporation, or by any other person whomsoever, shall have the same force and effect as if the same had been submitted to the arbitration of the members of said committee of reference by their individual names, by deed of submission; and such award may be filed and made a rule of court, and judgment enter-

ed thereon, and execution issued, in the same manner and under the same rules and regulations that other awards may be entered under and by virtue of the provisions of the 7th chapter of the revised statutes, entitled "arbitrations and awards." Writs of error may be had and appeals taken from the decision of the court, in the same manner as is prescribed in said chapter.

§ 8. No submission or arbitration bond shall be required to be filed with such awards, but four days' notice of the filing of such award shall be given to the opposite party of the party filing the award. Said committee of reference, when sitting as arbitrators as aforesaid, shall have the right to issue subpœnas and compel the attendance of witnesses by attachment, the same as justices of the peace. No bond required.

§ 9. Said corporations may inflict fines upon any of its members, and collect the same, for breach of the provisions of the constitution or by-laws; but no fine shall in any case exceed the sum of five dollars. Such fines may be collected by action of debt, brought in the name of the corporation, before any justice of the peace, against the person upon whom the fine shall have been imposed. May inflict fines.

§ 10. Said corporation shall have no power or authority to do or carry on any business, excepting such as is usual in the management and conduct of boards of trade or chambers of commerce, and as provided for in the foregoing sections of this bill. Limitation of powers.

APPROVED February 8, 1849.

AN ACT to prevent loss to the state upon the McAllister & Stebbins bonds.

In force
Feb. 10, 1849.

WHEREAS, McAllister & Stebbins, of New York, did, on the 17th June, 1841, receive of John D. Whiteside, fund commissioner of Illinois, eight hundred and four interest bonds, of one thousand dollars each, bearing interest at the rate of six per cent. per annum, and dated May 1st, 1841, reimbursable at any time after the year 1865, upon which the said McAllister & Stebbins, about the 25th June, 1841, advanced two hundred and sixty-one thousand four hundred and sixty dollars and eighty-three cents; and whereas, the said John D. Whiteside, near the said 25th June, delivered to the said McAllister & Stebbins thirty internal improvement bonds, of one thousand dollars each, upon which they agreed to make a further advance to the state, in case it was necessary, to pay the July interest for the year 1841—but such advance never was made, as it was not required to pay said interest. About the first of July, 1841, the said John D. Whiteside gave to the said McAllister & Stebbins an order on Nevins, Townsend & Co., of New York, for forty-one bonds, of one thousand dollars each; about the 27th day of October, 1841, the said McAllister & Stebbins received of Michael Kennedy thirty-eight thousand two hundred and fifteen dollars and forty-four cents of state scrip, which was placed to the credit of the state, as well as the thirty bonds which they received from the said John D. Whiteside, and also the forty-one bonds received from Nevins, Townsend & Co.—the three last mentioned sums, one hundred and nine thousand two hundred Preamble.

and fifteen dollars and forty-four cents over and above the eight hundred and four interest bonds first received by them—making in all, the sum of nine hundred and thirteen thousand two hundred and fifteen dollars forty-four cents, which the said McAllister & Stebbins acknowledged in their account current rendered the state at the session of the general assembly of 1842, (see report, page 197,) was held as security for the two hundred and sixty-one thousand five hundred and sixty dollars eighty-three cents, actually advanced as aforesaid, that sum being but twenty-eight and sixty-four-hundredths of a cent upon the dollar, so as aforesaid received by them; therefore,

Bonds to be surrendered.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That upon the surrender to the state by the said McAllister & Stebbins, or by any persons authorised by them, of the eight hundred and four interest bonds of one thousand dollars each, with their coupons, hypothecated with them, on 17th June, 1841, and now outstanding against the state, and also other internal improvement bonds and scrip subsequently obtained, and amounting at the time they obtained them to the sum of one hundred and nine thousand two hundred and fifteen dollars forty-four cents over and above the eight hundred and four interest bonds first received by them as aforesaid, with the coupons on said bonds, and interest on said scrip from its date to the time of settlement under this act, it shall be the duty of the governor to issue bonds of not less than one thousand dollars each, and payable after the year 1865, bearing interest at the rate of six per cent. per annum, and payable semi-annually in the city of New York, pro rata out of the interest fund, and the balance of the interest to be paid out of the state treasury. The amount of bonds to be issued by the governor as aforesaid to be equal to the balance remaining due the said McAllister & Stebbins, principal and interest, at the rate of seven per cent. per annum, (as per contract,) upon the advance of two hundred and sixty-one thousand five hundred and sixty dollars eighty three cents, from the date of said advance up to the time of settlement under the provisions of this act. And should the said McAllister & Stebbins not surrender to the governor all of the eight hundred and four bonds, the amount they shall fail to surrender, and being the same heretofore taken up by the state, shall be credited to the state and deducted from the amount found due from the time they shall have been taken up by the state, at the rate of twenty-six cents on the dollar; *Provided*, that no bonds shall be issued by the governor as aforesaid, except upon a surrender to the state of the bonds of 1865, or of the interest improvement bonds, or of the scrip as aforesaid, to an amount which the whole amount of bonds and scrip now outstanding bear to the whole amount of new bonds which may be issued upon the settlement of the account of McAllister & Stebbins—it being the intention of this bill to authorise the governor to issue liquidation bonds at any time when an amount not less than twenty thousand dollars of the aforesaid bonds, deposited with McAllister & Stebbins, shall be surrendered by them or by their order.

Proviso.

Governor to obtain statement. To give notice.

§ 2. It shall be the duty of the governor to obtain from McAllister & Stebbins a statement, verified under oath, of the amounts due the holders of the aforesaid securities other than themselves,

and to give notice through one paper published in Illinois and two in the city of New York, that he is prepared to pay the same, in compliance with the provisions of this act, and in conformity with the accounts rendered by McAllister & Stebbins, and notifying said holders to appear, within six months, to accept the same or disprove the account so rendered by said McAllister & Stebbins; and they failing to do so, the balance which may remain, after returning an amount of liquidation bonds sufficient to meet the then outstanding liabilities against the state, shall be paid to the said McAllister & Stebbins, to receive the same by furnishing an amount of other liabilities of the state equal to that outstanding as aforesaid.

§ 3. The bonds authorised to be issued by this act shall bear upon their face the words "liquidation bonds," and to be signed by the governor and countersigned by the state treasurer, and have the great seal of the state affixed thereto; and there shall be deposited in the offices of the secretary of state, and state treasurer, a description of the amounts, dates, and time of issuing said bonds; and the bonds and scrip so taken up under this act shall be cancelled by the governor, and a list of their dates, numbers, and amounts, and by whom registered, recorded in the office of the secretary of the state. Bonds, how issued.

§ 4. So much of the acts heretofore passed in 1842 and 1846, Acts repealed. and to which this is a supplement, as is inconsistent with this act, be, and the same are hereby, repealed, and no liability to pay the aforesaid bonds is acknowledged further than as limited and expressed in this act and the acts to which this is a supplement.

This act shall be in force from and after its passage.

APPROVED February 10, 1849.

AN ACT fixing the character of certain bonds.

In force
April 13, 1849.

WHEREAS, there was a loan of money made by the internal improvement fund to the canal fund, which loan was paid to the internal improvement fund in canal bonds; and whereas, the said canal bonds were afterwards issued by authority of law to provide for the completion of that part of the Northern Cross railroad running from Springfield to Jacksonville, with an endorsement on each of said bonds that all the profits arising from said road were, and should be, set apart and appropriated to pay the interest upon the said one hundred bonds so issued as aforesaid, thereby identifying the said canal bonds with the internal improvement fund, insomuch that doubt has arisen as to whether the said bonds should be chargeable to the canal fund or to the internal improvement fund; and whereas, the agents of the canal fund will not recognise the said bonds as chargeable against that fund; therefore, Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois,* Bonds chargeable to canal fund.
represented in the general assembly, That the holders of the said above described bonds shall be entitled to have the same chargeable and charged upon the canal fund, and that said fund shall be applied to the payment of the principal and interest of said bonds, as if the same had never been paid over to said internal improvement fund.

APPROVED February 10, 1849.

- In force Feb. 8, 1849. AN ACT authorising collectors of tolls and canal inspectors to administer oaths.
- Officers authorised to administer oaths. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That collectors of tolls, deputy collectors, or collectors' clerks and canal inspectors, appointed by the trustees of the Illinois and Michigan canal, under the laws of this state, be, and they and each of them are hereby, authorised and empowered to administer oaths and affirmations to owners and masters of canal boats.
- Oaths to have full force. § 2. The oaths so administered by the canal collectors, deputy collectors, or collectors' clerks and inspectors, shall have the same force and effect as though administered by any officer now empowered by law to administer oaths.
- Perjury to be punished. § 3. Any owner or master of any canal boat as aforesaid, swearing falsely, shall be punished as now required by law for perjury.
- Certificate to be evidence. § 4. The official certificate of the secretary of the board of trustees of the Illinois and Michigan canal, under the seal of said board, to any matter or fact on record in his office, shall be received as *prima facie* evidence of such matter or fact in any court in this state.
- Copy of rules, &c., evidence. § 5. Any copy of any rules and regulations of the board of trustees of the Illinois and Michigan canal, certified as aforesaid, shall be received in any court of this state as *prima facie* evidence that said rules and regulations have been adopted by said board.
- § 6. This act to be in force from and after its passage.
- APPROVED February 8, 1849.
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- In force Feb. 12, 1849. AN ACT to authorise the use of certain ground bordering on the Illinois and Michigan canal, in Joliet, in the county of Will.
- Street vacated. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That so much of Joliet street, in the town of Joliet, (original town) as lies between lots two (2) and three, (3) in block two, (2) in said town of Joliet, and the east bank of Illinois and Michigan canal, be, and the same is hereby, vacated.
- Slip authorised. § 2. Ethan Wetherbee and George Woodruff, of said county, owners of said lot number three, (3) their heirs and assigns, are hereby authorised and empowered to construct a slip or canal, at or opposite said lot three, from the Illinois and Michigan [canal] to or into the said lot; *Provided*, that they shall erect sufficient banks and other structures, fully to protect said Illinois and Michigan canal in all respects, and shall not in any manner affect the navigation of said canal, or the use of its banks or appurtenances.
- Proviso. This act to be in full force from and after its passage.
- APPROVED February 12, 1849.

AN ACT to provide for the relocation of the county seat of Tazewell, and the erection of public buildings.

In force
Feb. 2, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois,* Election to be held. That an election shall be held in the several precincts of the county of Tazewell on the first Saturday of April, one thousand eight hundred and forty-nine; at which election the legal voters of said county shall vote for and against the removal of the seat of justice from the town of Tremont to the town of Pekin; and if it shall be found that the legal voters of said county have voted in favor of said removal, that the seat of justice is hereby declared to be located at the town of Pekin. That said election shall be held in pursuance of the general election laws regulating the election of representatives and senators of the general assembly of the state of Illinois, at the different precincts of said county, and one column of the poll books shall be opened for the removal of said county seat from the town of Tremont to the town of Pekin, and another column against it; and the persons then entitled to vote for senators and representatives shall be entitled to vote for and against said removal. The judges and clerks of said election shall possess the same qualifications as the judges and clerks for the election of senators and representatives, and shall possess the same powers and be appointed in the same manner. Said poll books shall be certified and returned in the same form and time, and compared in the same manner as in case of the election of senators and representatives of the general assembly of the state of Illinois; *Provided,* unless the county commissioners' court otherwise appoint judges of said election, that the judges of election who served as such in said county at the last general election for senators and representatives in said county be, and they are hereby, authorised to preside in their several precincts in every manner as fully as they were empowered to do at said general election by the statute regulating the same. *Proviso.*

§ 2. In the event of a majority of the legal voters of said county casting their votes at said election in favor of the removal of the said county seat to the town of Pekin, the citizens of said town of Pekin and vicinity shall be required to erect a good and sufficient court-house, for the use of said county, on the public square in said town, known as court-house square, or court square; *Provided,* the county seat shall not be removed until a good and sufficient court-house shall be erected in said town of Pekin as aforesaid, without cost to the county, which shall be approved by the judge of the circuit court of said county when erected; *And provided,* also, that said court-house shall be erected within two years from and after the time this act shall take effect. *Court-house, how erected. Proviso. Further proviso*

§ 3. *And be it further enacted,* That in the event of a majority of the legal voters of said county being in favor of the removal of said county seat to the town of Pekin, the county commissioners' court of said county shall be, and they are hereby, required, when a jail is erected in said county, to erect the same in the town of Pekin.

§ 4. Within thirty days after the completion of said court-house, and the approval of the same by the said judge of the circuit court, the several offices of the said county, required by law to be kept at the county seat, shall be removed to Pekin, and all courts of said *Offices when removed.*

county shall be holden there, and all suits pending in the circuit court in said county, at the time of the removal of said offices from Tremont to Pekin, shall, in event of said removal, be prosecuted to final judgment and execution at Pekin in said county. And the town of Pekin shall thenceforth become, in all respects whatsoever, the permanent seat of justice of said county.

Commissioners
appointed.

§ 5. *And be it further enacted*, That Thomson I. S. Flint, David Mark, William Maus, Thomas N. Gill, and James Harris, be, and the same are hereby, appointed commissioners, by themselves or their authorised agents, to receive contributions and subscriptions of money, work, or materials, for the purpose of erecting said court-house, and to superintend the erection thereof; and all promises in writing to pay money, work, or materials, towards the erection thereof, shall be binding in law upon all persons making the same, and said commissioners are fully authorised to collect the same by law.

Election may
be contested.

§ 6. The election provided for in this act may be contested in the same manner as elections of county officers.

Trustees ap-
pointed.

§ 7. *Be it further enacted*, That if the said seat of justice shall be removed, according to the provisions of this act, the county court of Tazewell county is hereby authorised and empowered, and it is further made the duty of said court to convey by deed in trust to Joseph Shaw, Wells Andrews, Lyman Porter, Thomas P. Rogers, and William A. Maus, said court-house, for the use of the inhabitants of the county of Tazewell, to be used and occupied exclusively for the purpose of education; *Provided*, a majority of the legal voters of said county voting for electors of president and vice president of the United States at the last presidential election in said county, be taken as the majority of the voters of said county.

Proviso.

APPROVED February 2, 1849.



In force
Feb. 8, 1849.

AN ACT permanently to locate the seat of justice of Whiteside county.

Place selected.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That in pursuance of the fifth section of the seventh article of the constitution, the south-east quarter of the south-east quarter of section number sixteen, in township numbered twenty north, of range numbered five east of the fourth principal meridian, in the county of Whiteside, is hereby fixed as the place to which it is proposed by this act to remove the seat of justice of said county, as hereinafter provided; and the said place so fixed upon is hereby called and named Lyndon.

Name of

Election to be
held.

§ 2. The legal voters of the said county of Whiteside shall meet at their respective places of holding elections, on the Tuesday next after the first Monday in the month of April, in the year one thousand eight hundred and forty-nine, and shall then proceed to vote according to law, as in other cases of elections, to permanently locate the seat of justice of said county, either at the said place called Lyndon, or at Sterling; which latter place is now the temporary seat of justice of said county; and whichever of the said places, so to be voted for, shall receive a majority of the legal vo-

ters of said county, given at said election, shall thereafter be the seat of justice of said county.

§ 3. At the March term next of the county commissioners' court of said county, any person, capable of contracting, may make a written offer or offers of land, or money, or other property, to said court, to aid in the erection of public buildings in said county, in case the place called Lyndon shall, under the provisions of this act, be selected as the permanent seat of justice of said county; which said offers shall be entered of record in said court, and shall be binding upon the person or persons who shall make the same, in case the county seat of said county shall be located at the said place called Lyndon, under the provisions of this act. And the said county may maintain a bill in equity to enforce a conveyance of the lands so offered, and may have an action of debt or assumpsit to recover all moneys and the value of such personal property as may be offered as aforesaid.

Contributions.
how made.

§ 4. The clerk of the county commissioners' court of said county shall cause notices of the said election to be issued, and the sheriff of said county shall post up the same in the time and manner which may be required by law for similar notices, previous to a general election. In the notices aforesaid, the said clerk shall state also a description and the amount of all such offers of land, money, and other property, to be made for the erection of county buildings at Lyndon, under the provisions of the foregoing section.

Notice to be
given.

§ 5. The election provided for in this act shall, in all respects, be conducted, and returns thereof made, in the manner which may be required by law in other elections. The returns of said election shall be canvassed, and abstracts thereof made, as in other cases of elections; and the clerk of the county commissioners' court shall record the said abstracts on the record books of the said county commissioners' court, there to remain as evidence of the location of the county seat; *Provided*, that any legal voter or voters of said county may appeal to the circuit court of the said county from the decision of the said clerk, in making and recording the abstracts aforesaid, by giving bond to said clerk within ten days after said abstracts shall be recorded, payable to such person, with such penalty, with such security and condition, as the said clerk may reasonably require. And in case such appeal shall be taken, the said clerk shall transmit the said bonds, the said election returns, and a copy of said abstracts, to the clerk of the circuit court; and the said circuit court shall proceed to try the said appeal, in a summary way upon the merits and justice of the cause; and the only question to be tried on such appeal shall be, which of the places, called Lyndon or Sterling, received a majority of all the legal votes of said county given at said election. And in case such appeal shall be taken and duly prosecuted, the final order of the said circuit court thereon shall be evidence of the permanent location of the said seat of justice.

Election, how
conducted.
Of returns.

Proviso.

§ 6. In case the seat of justice of said county shall be located at Lyndon, then the county commissioners of said county are hereby authorised and required to convey by deed the court-house at Sterling, and the lot on which the same is situated, and which is used therewith, and all lands or town lots heretofore donated to said county, for the purpose of erecting said public buildings, and which property is still owned and held by said county, to the pro-

Property to be
re-conveyed.

prietors of the said town of Sterling, to be thereafter owned by them in proportion to the amount of donations made by them respectively, for the purpose of purchasing said lot and erecting said court-house.

Offices to be held at Lyndon.

§ 7. If the seat of justice of said county shall be located at Lyndon, the circuit court, county commissioners' court, and other courts of said county, shall be held at such place at the town of Lyndon as may be selected and appointed by the county commissioners' court of said county, until a suitable court-house can be erected; and all public offices required to be kept at the seat of justice, shall be kept in said town of Lyndon, until suitable public offices can be provided.

Acts repealed.

§ 8. The act entitled "an act declaring the town of Sterling the county seat of Whiteside county for a time, and under the conditions therein mentioned," approved February 16, 1847, is hereby repealed; and the third and fourth sections of an act entitled an "act to permanently locate the seat of justice of the county of Whiteside," approved February 28, 1843, are hereby revived and continued in force; *Provided*, that the act first herein recited shall not be repealed unless the said seat of justice shall be removed to Lyndon, under the provisions of this act.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED February 8, 1849.

In force April 13, 1849.

AN ACT to relocate the county seat of Cumberland county.

Election to be held.

Proviso.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That at the general election to be held on the Tuesday next after the first Monday in November next, a poll-book shall be opened for the different points to be run for the county seat; *Provided, however*, that no place shall be voted for unless its proprietors or friends shall, at least twenty days previous to said election, execute a bond, with sufficient security, designating the quantity of land patented by the general government, and free from legal incumbrance, setting forth the metes and bounds of said land, or the number and location of town lots, or the amount of money, work and labor, or materials to be used in erecting the county buildings which the friends of any point may propose to give; which said bond shall be subject to the approval of the county court, and be filed therein; and at said election a column shall be opened for each point whose friends shall have executed a bond as aforesaid, and all persons qualified at the time of holding said election to vote for a member of the general assembly, shall be entitled to vote for the relocation of said seat of justice, and the point, if any, receiving the majority of the legal votes at said election, shall be taken to be the point agreed upon by the inhabitants of said Cumberland county. When the votes of said election are compared by the proper officers, if it shall appear that neither one of the points voted for shall have received a majority of all the votes cast, then it shall be the duty of the county court of said Cumberland

county to appoint a day, within three months thereafter, for holding another election, and shall post up written notices thereof in one of the most public places in each precinct in said county, at least thirty days previous to the day so fixed upon for said election; and a column shall be opened at each election precinct for the two points having received the highest number of votes at said first election, and the point receiving the highest number of votes at said second election shall be taken to be the point agreed upon by the citizens of said county for the location of the county seat of said county; which fact shall be certified to by the speaker of the house of representatives at the next session of the legislature, describing said point so agreed upon by the inhabitants of said county, by the clerk of the county court of said county; which certificate shall be full evidence of the fact, and which certificate shall be laid before the said house of representatives, and the point so selected shall be established and be and remain the permanent county seat for said Cumberland county, in such manner as may be provided for by a law to be passed by the legislature at their next session, and not otherwise.

§ 2. The conveyance of the town of De Kalb by the county commissioners of said Cumberland county to James Gill, is hereby declared good and valid, and to vest the title thereof in the said Gill. Conveyance legalised.

APPROVED February 8, 1849.

AN ACT to make certain additions from the county of Mercer to the county of Rock Island. In force February 8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That an election shall be held in the counties of Mercer and Rock Island, at the usual places of holding the same, on the first Tuesday after the first Monday of November next. In the county of Mercer, for the purpose of voting for or against townships fifteen north, ranges one and two west, of the fourth principal meridian, being added to the county of Rock Island; and in the county of Rock Island, to vote for or against receiving said territory as a part of said county. The elections to be holden as aforesaid shall be conducted, notices thereof given, and returns made in the same manner as is now provided for, or may hereafter be, in case of election of senators and representatives, and the same rights of contest allowed. Election to be held.

§ 2. It shall be the duty of the clerk of the county of Mercer, as soon as the result of said election shall be ascertained, to make a certificate thereof, under the seal of said court, and transmit the same to the clerk of the Rock Island county court, and the clerk of the county court of Rock Island shall make out and transmit to the clerk of the county of Mercer a certificate of the result of the election in said county, which certificate shall be entered on the records of each of said courts, respectively, at the next terms thereof, after receiving the same. Clerk to make certificate.

§ 3. Upon ascertaining the result of the elections, held as aforesaid, if it shall appear that a majority of all the voters in the coun- Territory transferred.

ty of Mercer voted for said territory being added to and forming a part of the county of Rock Island, and a majority of the votes of the county of Rock Island voted for receiving the same as a part of said county, then and in that case, the said townships fifteen north, ranges one and two west, of the fourth principal meridian, shall thereafter constitute and be a part of the county of Rock Island.

§ 4. This act to be in force from and after its passage.

APPROVED February 8, 1849.

In force February 10, 1849.

AN ACT concerning the clerk of Lawrence county.

Preamble.

WHEREAS, at the regular election in September, A. D. 1848, Samuel Dunlap was duly elected clerk of the circuit court of Lawrence county; and whereas, said Dunlap departed this life on or about the 8th day [of] said September; and whereas, the Hon. William Wilson, presiding judge of the said circuit court on the 25th of said September, appointed Jack M. Morris clerk of said court, who discharged the duties of said office until on or about the 25th of November, 1848, when he also departed this life; and whereas, on or about the 10th day of December, 1848, the Hon. Justin Harlan, then presiding judge of said court, appointed Frederick A. Thomas clerk of said court, who has discharged the duties of said office ever since his appointment; therefore,

Acts legalised.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That all the actings and doings of Frederick A. Thomas and Jack M. Morris, respectively, as clerks of the circuit court of Lawrence county, be, and the same are hereby, declared to be as legal and valid in all respects as if said Thomas and Morris had been elected clerks of said court and qualified as such clerks, at the time and in the manner provided for and required in the new constitution in relation to the election and qualification of circuit clerks; and the said Frederick A. Thomas is hereby authorised and empowered to perform all the duties of circuit clerk of said county until a clerk shall be elected and qualified according to the provisions of this act, and to take and enjoy for his own benefit, all the fees and profits of said office until the election and qualification of a clerk according to the provisions of this act.

Clerk to be elected.

§ 2. At the general election to be held on the Tuesday next after the first Monday in November next in said county, there shall be elected by the qualified voters of said county, a clerk of the circuit court for said county; and in the election of said clerk all the provisions of law concerning the election of circuit clerks at the regular election for such clerks, so far as applicable, shall be applicable to and govern such election herein authorised. And the person who shall receive a majority of all the legal votes cast at such election for circuit clerk of said county, shall be qualified in the manner required by law in cases of the election of such clerks; and the clerk herein authorised to be elected, shall, after his election and qualification as such clerk, be as fully and completely clerk, and subject to all the provisions of, and entitled to all the fees and

emoluments of said office, the same as if he had been elected according to law, in September last.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1849.

AN ACT concerning the counties of Lawrence and Richland.

In force
Feb. 10, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the county commissioners' courts of the counties of Lawrence and Richland are hereby authorised, in their discretion, to issue county orders, bearing interest at any rate not exceeding six per centum per annum. This act to be in force from and after its passage.

Orders authorised to be issued.

APPROVED February 10, 1849.

AN ACT to provide for the change of the county seat of Clark county.

In force Feb.
10, 1849.

WHEREAS, the people of Clark county have petitioned for the removal of the county seat of said county to a certain place near the centre of said county, known as Hillibert's Point;

Preamble.

SECTION 1. *Be it enacted, therefore, by the people of the state of Illinois, represented in the general assembly,* That an election shall be held in the county of Clark, on the third Monday of May, A. D., 1849, at the usual places of holding elections in said county, for the removal of the seat of justice of said county; at which election the clerks thereof shall open two columns, one for Marshall, the other for Hillibert's Point, and shall take and record the votes of each qualified voter for one of the aforesaid places as the seat of justice for said county.

Election to be held.

§ 2. The said election shall be conducted, and the returns thereof made, in the same manner as is provided in ordinary cases of the election of justices of the peace. The clerk of the county or commissioners' court shall, immediately after the receipt by him of the election returns, in the presence of two justices of the peace, open the election returns, compare them, and certify the same to the county or county commissioners' court; and the place having a majority of the votes of said county, shall be and remain the seat of justice in said county, as hereinafter provided.

How conducted

§ 3. The proprietor or proprietors of said Hillibert's Point shall deposit with the clerk of the county or commissioners' court, previous to said election, his or their obligation to convey to said county the forty acres of land, including said point, (except the house and orchard thereon, containing about one, or not more than one, square, reserved by said proprietor or proprietors,) and all other donations of land for said county shall in like manner be deposited with the clerk of said county previous to said election, and

Obligation to be deposited.

all donations of money shall in like manner be deposited with said clerk, and made safe, by bond and security, to the satisfaction of said county or commissioners' court.

Buildings to be erected.

§ 4. If at such election Hillibert's Point shall receive a majority of the votes of the county, then it shall be the duty of the county or commissioners' court to cause to be erected suitable buildings on said Hillibert's Point, for county purposes, including court-house, jail, clerks' offices, &c.; and to cause the land donated to said county to be conveyed and sold, and the donations of money to be paid; the said land to be laid off into town lots, or otherwise disposed of as said county or commissioners' court may determine best; and the proceeds of said donations of land and money to be applied to the erection of the public buildings, and the remainder, if any, to go into the county treasury; said lands to be sold for cash, or on credit, with good security, as said court may determine.

May appoint commissioners

§ 5. Said county or commissioners' court may appoint commissioners to sell and convey said lands, and also to superintend the erection of the public buildings.

Lots to be reserved.

§ 6. The said county or commissioners' court shall select suitable lots, and specifically designate them, of said lands, for the following purposes: One for a male and one for a female academy; one for a jail; four for the purpose of erecting houses of public [worship]; to be conveyed to the society of christians who shall first build thereon; and one lot or square for the court-house; all of which shall be selected prior to any sale thereof of said lands.

Proclamation to be made.

§ 7. If it such election Hillibert's Point shall receive a majority of voters of the county, then it shall be the duty of the county or commissioners' court of said county to cause proclamation to be made and published in some public newspaper of said county, if any, and if none, by advertisements on the court-house door, declaring and [making] known, that from and after a day therein named, and not exceeding twelve months from the date thereof, the seat of justice of said county shall be, and permanently remain, located on said Hillibert's Point.

Offices to be removed.

§ 8. The county officers whose duty it is to keep their respective offices at the seat of justice shall, on the day named in the proclamation hereinbefore specified, remove their offices to Hillibert's Point.

Name of town.

§ 9. Should said forty acres of land hereinbefore named be laid off into town lots, then said seat of justice may and shall be designated by such name as the town located thereon may be known; *Provided, however*, that the change of name of said Hillibert's Point shall in no wise affect any contract or conveyance previously made, nor any legal transaction or business whatever.

Proviso.

Property to be sold.

§ 10. Such public property at Marshall as shall not be longer required for county purposes, the said county or county commissioners' court shall dispose of at public or private sale, in the manner most likely to produce its full value, and the proceeds to apply to county purposes.

§ 11. This act shall be in force from and after its passage, and a certified copy thereof shall be transmitted to the clerk of the county court of Clark county.

APPROVED February 10, 1849.

AN ACT to make a certain addition from the county of Henry to the county of Stark.

In force
Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That township fourteen north, range five east, or the south half of said township, (as the case may be,) shall be added to and constitute a part of the county of Stark; said territory being now in the south-east corner of the county of Henry; *Provided,* that an election shall be held in said county of Henry, at the usual places of holding elections, on the first Saturday of April next, to vote for or against the whole, or the south half of said township as aforesaid, being added to the said county of Stark; *And provided, also,* that an election shall be held in the said county of Stark, on the second Saturday in the month of April next, (if the county of Henry shall vote in favor of either the whole or the south half of the township aforesaid being added to said county,) to vote for or against receiving the same as a part of the county of Stark aforesaid. And if it shall appear that a majority of the votes at the said election in the county of Henry are in favor of the whole of said township, or the south half of the same, being attached to and hereafter forming a part of the county of Stark, and a majority of the votes of the county of Stark, given at the election in said county, are in favor of receiving the whole or south half of said township, then the township aforesaid, or the south half thereof, (as the case may be,) shall be attached to and form a part of said county of Stark as aforesaid. The elections to be held as above shall be conducted, notices given, and returns made, in the same manner as now required by the thirty-seventh chapter revised statutes, entitled "elections."

Territory transferred.

Proviso.

§ 2. The voters at said elections may vote, both for or against the whole, and for or against the south half, of said township being attached to and forming a part of the county of Stark; and the judges of said elections shall cause to be ruled separate columns in the poll-books for that purpose.

Privileges of voters.

§ 3. Upon comparing the poll-books of said election, should it appear that a majority of the voters of the county of Henry, given at said election, are in favor of the whole or south half of said township being attached to the county of Stark, it shall be the duty of the clerk of the county commissioners' court, or his successors in office, to make out two certificates thereof, under the seal of said court, one of which shall be filed in his office, and the other transmitted to the clerk of the county commissioners' court of Stark county; which shall be made a matter of record at the next succeeding terms of the county commissioners' courts of each of said counties respectively.

Certificates to be made.

§ 4. When it shall be ascertained that a majority of the legal voters of said county of Henry have voted for the whole, or the south half, of said township, as the case may be, to be stricken off to said county of Stark as aforesaid, and that a majority of the legal voters of said county of Stark have voted for the whole, or the south half, of said township, as the case may be, to be added to said county of Stark, such territory shall become and be a part of said county of Stark; and same mode shall be adopted to ascertain the result of said elections, and the same rights of contests shall exist as in case of election of senators and representatives of this state, under the laws now in force.

Contests provided for.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1849.

In force
April 13, 1849.

AN ACT authorising the removal of the county seat of Hancock county, and a vote to be taken upon such removal.

Voters author-
ised to vote for
removal.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the legal voters of the county of Hancock be authorised, at the next general election of county officers, to be held under the laws of this state, in said county of Hancock, to vote for or against the removal of the county seat of said county of Hancock from the town of Carthage to the town of Warsaw; and two columns shall be opened in the poll-books of the several election precincts of said county for that purpose.

Election rules to
govern, &c.

§ 2. The same rules shall be observed in the taking of said vote, and of the returns thereof, and in the counting of said vote, and in all other things, as shall be required by law in elections for senators and representatives of the general assembly of this state; and the same rights of contest shall exist as in case of elections of county officers; *Provided*, any legal voter of said county may appeal from the decision of such contest to the circuit court of said Hancock county.

Clerk to make
certificate.

§ 3. Should it be found that a majority of the legal voters of said Hancock county voting at said election have voted for the removal aforesaid, it shall be the duty of the clerk of the county commissioners' court of said county to make a certificate thereof, showing the number of votes for and against said removal, and enter the same of record in his office; and should a majority of said voters vote for said removal, it shall then be the duty of the county commissioners of said county to cause, so soon as practicable thereafter, all public offices of said county, required to be kept at the county seat, to be removed from the said town of Carthage to said town of Warsaw, and the said town of Warsaw shall thereafter be the county seat of said county of Hancock.

Offices to be re-
moved.

Propositions to
be filed.

§ 4. *Be it further enacted,* That any person or persons may file in the office of the clerk of the county commissioners' court of said county of Hancock, previous to said election, propositions to grant to said county any town lots or ground in said town of Warsaw, or to erect by them any public buildings for the use of said county, or to do and perform any other thing in consideration of said county seat being removed to said town of Warsaw; which propositions shall contain full specifications of the same, and when so filed, shall be binding upon the parties executing and filing said propositions, and shall have the force and effect of a contract. The persons filing such propositions shall also file with said clerk a bond, with sufficient security, to be approved by the county commissioners of said county, payable to the county of Hancock, and conditioned for the faithful performance of the propositions so filed; which said bond and propositions shall be valid, and be enforced as other contracts, in case of any breach thereof.

Security re-
quired.

APPROVED February 12, 1849.

AN ACT fixing the times of holding the supreme court.

In force
Jan. 6, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That in lieu of the times now appointed, the supreme court shall be held as follows: In the first grand division, on the second Monday of November, annually; in the second grand division, on the second Monday in December, annually; and in the third grand division, on the second Monday in June, annually.

Times of holding courts.

§ 2. All process that has or may be used, before the clerks of the courts receive notice of the passage of this act, shall be considered as returnable to the terms hereby appointed.

§ 3. This act to take effect from and after its passage.

APPROVED January 6, 1849.

AN ACT to authorise the purchase of books for the use of the supreme court.

In force April
13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That there be advanced and paid to the justices of the supreme court, out of any moneys not otherwise appropriated, the sum of five thousand dollars, to be applied, in equal proportions, to the purchase of law libraries for the use of the supreme court in the first and third grand divisions.

Judges to purchase books.

§ 2. That upon a requisition, signed by two of the justices of the supreme court, the auditor shall issue his warrant upon the treasurer for any sum or sums, not exceeding the said sum of five thousand dollars, in such amounts as the said justices may require.

Auditor to issue warrants.

APPROVED January 26, 1849.

AN ACT relating to the supreme court rooms.

In force January
31, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the judges of the supreme court are hereby authorised to make the necessary alterations in and provisions for the court-rooms for the supreme court in the several grand divisions, and to provide the necessary furniture and fuel therefor, and to audit the accounts for the same. This act to be in force from and after its passage.

Judges to provide court room,

APPROVED January 31, 1849.

AN ACT regulating the terms of the courts in the first judicial circuit.

In force Feb.
8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the circuit [courts] in the several counties composing the first judicial circuit, shall be holden

at the several county seats or places of holding said courts, at the times following, viz :

SPRING TERMS.

Spring terms.

In the county of Morgan, on the second Monday in March;
In the county of Cass, on the fourth Monday in March;
In the county of Menard, on the first Monday thereafter;
In the county of Mason, on the second Monday thereafter;
In the county of Greene, on the third Monday thereafter;
In the county of Macoupin, on the first Monday in May;
In the county of Jersey, on the second Monday in May;
In the county of Calhoun, on the third Monday in May;
In the county of Scott, on the fourth Monday in May;

FALL TERMS.

Fall terms.

In the county of Morgan, on the second Monday in September;
In the county of Scott, on the fourth Monday in September;
In the county of Greene, on the first Monday in October;
In the county of Macoupin, on the second Monday in October;
In the county of Jersey, on the third Monday in October;
In the county of Calhoun, on the fourth Monday in October;
In the county of Cass, on the first Monday thereafter;
In the county of Menard, on the second Monday thereafter;
In the county of Mason, on the third Monday thereafter.

Suits pending
not to be af-
fected by the
change.

§ 2. All indictments, suits, causes, motions, recognizances, and other proceedings pending in said courts, shall stand for trial, hearing, judgment and disposition at the terms of the courts as regulated by this act, in the same manner and with the like effect as if no changes had been made in the times of holding said courts.

Writs, &c.,
how returna-
ble.

§ 3. All recognizances, writs and process heretofore or hereafter entered into, or issued or returnable to the terms of the courts as heretofore arranged, shall be deemed and held to be returnable to the terms fixed by this act.

§ 4. New trials may be granted at the spring or fall terms of said courts in all cases, wherein the parties would be entitled to such new trials at the spring or fall terms, as now authorised by law.

Discretionary
power given
to auditor.

§ 5. If by reason of the change in the times of holding courts in the counties heretofore named, the sheriff or other collector of any of said counties shall not procure judgment against the lands of delinquent tax property, at the spring term, the time of settlement with the county court and the auditor may, in the discretion of said county court, be extended, and the necessary judgment may be obtained by said sheriff or other collector at the next ensuing term.

This act to take effect from and after its passage.

APPROVED February 8, 1849.

AN ACT changing the times of holding courts in the third judicial circuit.

In force Feb.
4, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the circuit courts in the third judicial circuit, shall be begun and held at the times herein-after mentioned, to wit: In the county of Marion, at Salem, on the second Mondays of March and August; in the county of Jefferson, at Mount Vernon, on the third Mondays of March and August; in the county of Hamilton, at McLeansboro, on the fourth Mondays of March and August; in the county of Franklin, at Benton, on the Mondays following; in the county of Williamson, at Marion, on the Mondays following; in the county of Jackson, at Murphysboro, on the Mondays following; in the county of Union, at Jonesboro, on the Mondays following; in the county of Alexander, at Thebes, on the Mondays following; in the county of Pulaski, at North Caledonia, on the Mondays following; in the county of Johnson, at Vienna, on the Mondays following; in the county of Massac, at Metropolis city, on the Mondays following; in the county of Pope, at Golconda, on the Mondays following; in the county of Hardin, at Elizabethtown, on the Mondays following; in the county of Saline, at Rawley, [Raleigh] on the Mondays following; and in the county of Gallatin, at Shawneetown, on the Mondays following, and to continue for two weeks.

Times of hold-
ing courts.

§ 2. All writs, subpoenas, and other process, which may have been, or may be issued, and made returnable to the terms of courts in said circuit, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts, as required to be holden under this act; and all notices which may have been given, either by publication, or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts as required to be held under this act. And all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the times of holding said courts.

Process, how
returnable.

§ 3. All acts and parts of acts conflicting with the provisions of this law are hereby repealed. This act to take effect from and after its passage.

Acts repealed.

APPROVED February 3, 1849.

AN ACT fixing the times of holding the courts in the fourth judicial circuit.

In force Janu-
ary 30, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That hereafter the times of holding courts in the fourth judicial circuit, shall be as follows, to wit: In the county of Wayne, on the Thursdays before the fourth Mondays of March, and the Thursdays before the first Mondays of September; in the county of White, on the fourth Mondays of March, and the first Mondays of September; in the county of Edwards, on the first Mondays of April, and the second Mondays of September; in the county of Wabash, on the Thursdays thereafter; in the county of Lawrence, on the Wednesdays thereafter; in the coun-

Times of hold-
ing courts.

ty of Crawford, on the Wednesdays thereafter; in the county of Clark, on the Mondays thereafter; in the county of Coles, on the Mondays thereafter; in the county of Cumberland, on the Mondays thereafter; in the county of Jasper, on the Thursdays thereafter; in the county of Clay, on the Mondays thereafter; in the county of Richland, on the Thursdays thereafter.

Process, how
returnable.

§ 2. All indictments, recognizances, and suits, either at common law or in chancery, shall stand for hearing at the times herein specified for holding court, the same as though no change had taken place; and all writs and other process, civil or criminal, shall be, and they are hereby, made returnable the same as if there had been no change in the times of holding said courts; and all returns heretofore made, or that may hereafter be made, either according to this act, or the acts hereby repealed, shall be taken to be returnable to the terms of court as hereby fixed, and shall be legal and valid in all respects as if no change had taken place.

Acts repealed.

§ 3. All acts and parts of acts coming in the purview and in conflict with this act, be, and the same is hereby, repealed; and this act shall be in force from and after its passage.

APPROVED January 30, 1849.

In force Janu-
ary 20, 1849.

AN ACT fixing the times of holding courts in the eighth judicial circuit.

Times of hold-
ing courts.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That hereafter the times of holding courts in the eighth judicial circuit, shall be as follows:

In the county of Sangamon, on the third Mondays of March and fourth Mondays of August;

In the county of Tazewell, on the first Wednesdays of April and the third Wednesdays of September;

In the county of Woodford, on the second Thursdays thereafter;

In the county of McLean, on the Mondays thereafter;

In the county of Logan, on the Mondays thereafter;

In the county of De Witt, on the Thursdays thereafter;

In the county of Piatt, on the Mondays thereafter;

In the county of Champaign, on the Wednesdays thereafter;

In the county of Vermilion, on the Mondays thereafter;

In the county of Edgar, on the Mondays thereafter;

In the county of Shelby, on the Mondays thereafter;

In the county of Moultrie, on the Mondays thereafter;

In the county of Macon, on the Thursdays thereafter;

In the county of Christian, on the Mondays thereafter. And all writs and recognizances and other process which have been or may be issued or entered into and made returnable to any of said courts, as at present arranged, shall be deemed and considered as returnable to the terms fixed by this section; and all cases and proceedings, whether criminal or in chancery, pending in any of the said courts, shall be taken up and disposed of according to law, as if no alteration had been made in the times of holding said courts.

§ 2. All acts and part of acts coming [in] the purview and in conflict with this act, be, and the same is hereby, repealed; and this act shall be in force from and after its passage. Acts repealed.

APPROVED January 20, 1849.

AN ACT to establish the eleventh judicial circuit.

In force February 12, '49.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the counties of Iroquois, Will, Du Page, McHenry, Boone, and Winnebago, shall compose a judicial circuit, to be called the eleventh judicial circuit, and that circuit courts shall be holden at the respective county seats of said counties, at the times following, viz: District established.

§ 2. The courts in the eleventh judicial circuit shall be held in the counties thereof, at the following times, viz: Times of holding courts.

In the county of Winnebago, on the fourth Monday in March and the first Monday of September;

In the county of Boone, the second Monday after the fourth Monday in March and third Monday of September;

In the county of McHenry, the third Monday after the fourth Monday in March and the fourth Monday of September;

In the county of Du Page, the fifth Monday after the fourth Monday in March and the second Monday after the fourth Monday of September;

In the county of Will, the sixth Monday after the fourth Monday in March and the third Monday after the fourth Monday of September;

And in the county of Iroquois, the eighth Monday after the fourth Monday in March and the fifth Monday after the fourth Monday of September, in each and every year.

§ 3. All process, suits and recognizances, which [have] been or may be issued or entered into and made returnable to the courts as at present arranged, shall be taken and considered to be returnable to the times fixed by this act, and shall be valid to all intents and purposes. Process returnable.

§ 4. There shall be an election holden in the respective counties composing said judicial circuit on the second Monday of March next, for the election of circuit judge of said circuit, which shall be conducted, and returns thereof made, and certified and canvassed, in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next general election for judges, as provided by the constitution, and until his successor shall be chosen and qualified. Election of judge.

§ 5. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county commissioners' courts of said counties; and the clerks of the county commissioners' court of said counties shall issue notice for the said election to the sheriffs thereof, respectively; which notice shall be posted by them in the several precincts in all respects in the like manner as provided by the con- Notices to be given.

stitution and laws of this state for holding general elections therein.

Powers of
judge.

§ 6. The said circuit judge, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority, now had or hereafter to be required of, or exercised by, circuit judges in this state, under the constitution and laws thereof; and shall receive the same compensation as other circuit judges are entitled to receive by the constitution and laws.

Duties of state
attorney.

§ 7. The state's attorney for the seventh judicial circuit, as now organised, shall be state's attorney of the eleventh judicial circuit as arranged by this act, and shall discharge all the duties and receive the like fees and compensation for services as such as appertain to said officer by the constitution and laws.

Spring terms.

§ 8. The spring terms of the circuit court for the year 1849, shall be holden in conformity within the provisions of the second section of "an act providing changes in the seventh and ninth judicial circuits, and for fixing the time for holding courts in the sixth and seventh judicial circuits," in force February 27, 1847.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1849.

In force
April 13, 1849.

AN ACT establishing county courts, and providing for the election of justices of the peace and constables, and for other purposes.

Court establish-
ed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That there shall be established in each of the counties of this state, now created and organised, or which may hereafter be created or organised, a court of record, to be styled "the county court of (the proper) county," to be held by and consist of one judge, to be styled "the county judge of — county."

Election of
judges.

§ 2. The said county judges shall be elected on the Tuesday after the first Monday in November, in the year eighteen hundred and forty-nine, and on the Tuesday after the first Monday in November quadrennially forever thereafter, by the qualified voters of the respective counties, and shall hold their offices for the term of four years, and until their successors are elected and qualified.

Oath of office.

§ 3. Each of the said county judges shall, before entering upon the duties of his office, take an oath "faithfully and impartially, promptly and without delay, to perform all the duties of his office, according to the best of his knowledge and abilities, according to law." Also, an oath to support the constitution of the United States and of this state, and also the oath prescribed in the twenty-sixth section of the thirteenth article of the constitution of this state; which oaths may be administered by any justice of the peace, or judge of any court of record, and shall be endorsed, by the officer administering such oaths, on the commission of said county judge, and, with the commission, recorded by the clerk of said court.

Compensation.

§ 4. The county judges respectively shall be entitled to a com-

compensation for their services of two dollars and fifty cents per day, for every day employed by them in holding courts, to be paid quarterly, out of the county treasuries of the respective counties, on the certificate of the clerk of said court.

§ 5. Said courts shall sit in the court-house, or usual places of holding courts in the several counties of this state, for the transaction of business, on the first Monday of every month, except the months of December, March, June, and September, and on the third Mondays of said months, and shall continue open from day to day until all the business before them shall be disposed of. Said courts shall each have a seal. The clerks of said courts shall be the keepers of the seals thereof, and shall issue all process legally emanating from said courts; which process shall bear date when issued, be tested in the name of and signed by the clerk, and sealed with the seal of said court. And the clerk of said court shall perform all the ministerial duties heretofore performed by the probate courts, and shall be entitled to the fees and emoluments allowed by law; *Provided*, that granting letters testamentary, or of administration, except to collect, all letters of guardianship, and repealing the same, and allowing or disallowing claims against estates or persons, determining who are entitled to said letters requiring the settlement of estates, and directing the issuance of citations and attachments, shall be considered as general judicial powers under this act. Times of holding courts.
Powers, &c.

§ 6. Whenever a vacancy shall happen in the office of county judge, by death, resignation, removal from the county, or any other cause, it shall be the duty of the clerk of said court in the county in which the vacancy may happen, to issue his orders to the judges of election in the different precincts in the proper county, requiring them, on a certain day therein named, not less than twenty days from the issuing of such order, to hold an election to fill such vacancy; which orders shall be immediately delivered by said clerk to the sheriff of the proper county, and by him, within five days after the receipt thereof, delivered to the respective judges of election to whom directed, and the judges of election shall, in pursuance of said orders, hold said election. And the clerk of said court shall, at the time of making the orders to the judges of election, make out and deliver to the sheriff as many notices of said special election for judge as there are precincts in the county; and the sheriff shall, within the said five days, cause one of the said notices to be posted up in one of the most public places in each of said precincts. Vacancy, how filled.

§ 7. There shall be elected at the same time and places of electing the judges of said court, in each of the counties of this state now organised, or which may hereafter be organised, by the qualified voters thereof, a clerk of said county court, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. Clerk to be elected.

§ 8. Every clerk so elected shall keep his office at the county seat, or place of holding court, for each county respectively. And each and every clerk, before entering upon the duties of his office, shall take an oath to support the constitution of the United States and of this state, the oath prescribed in the twenty-sixth section of the thirteenth article of the constitution of this state, and also an oath "faithfully and impartially to discharge all the duties pertain- Office to be kept at co'ty seat.
Oath.

To give bond.

ing to said office of clerk of the county court, to the best of his abilities and knowledge, according to law;" which shall be endorsed on the commission of said clerk, and, with the commission, spread on the records of said court. (Said oaths may be taken in open court, or before any judge or justice of the peace.) He shall also enter into bond, with good and sufficient securities, to be approved by said court, in the sum of three thousand dollars, payable to the people of the state of Illinois, for the use of any person injured—or the county, if injured, conditioned for the faithful discharge of the duties of said office of clerk of the county court, and for the delivering up to his successor in office all the books, records, papers, and proceedings of said court, whole, safe, and undefaced, as well as all property of every kind belonging to said office, when superseded in said office; which bond, when approved by the court, shall be spread on the records thereof, and afterwards transmitted to the secretary of state and filed in his office.

Vacancy, how filled.

§ 9. When a vacancy shall happen in the office of county clerk, it shall be filled by election, in the same manner as a vacancy in the office of judge. And the judge shall issue the orders for the election, and shall make out the notices for the same, and receive the returns of the election in the same manner that the clerk is required to do in the case of a vacancy in the office of county judge. And the judge shall aid in comparing the returns of a special election for clerk, and make returns to the office of secretary of state, for the purpose of procuring the commission of the clerk so elected, in the same manner that the clerk is required to do in case of elections of other officers; *Provided*, that if a clerk *pro tem.* shall be appointed and qualified, within five days after any such vacancy shall occur, such clerk *pro tem.* shall perform the duties in this section required of the judge.

Clerk *pro tem.* may be ap^ted.

§ 10. When a vacancy shall happen in the office of clerk of the county court, from any cause whatever, the county judge shall appoint a clerk *pro tem.*, to continue in office till a clerk be elected and qualified. And the clerk so appointed *pro tem.*, shall take the same oaths, and execute bonds with like conditions, with security and penalty in the discretion of the judge. And the clerk *pro tem.* shall have all the powers, perform all the duties, and be entitled to all the fees and emoluments, for the time he may act as such, that the regularly elected clerk of said court would possess, be bound to perform, or be entitled to.

Penalty for neglect of duty.

§ 11. Every clerk who shall refuse or neglect, after going out of office, to deliver to his successor in office, all books, records, papers, money, property, and every thing appertaining to said office, shall be subject to indictment, and on conviction, to fine and imprisonment, in the discretion of the court before which he may be tried; *Provided*, the fine shall not exceed one thousand dollars, and the imprisonment one year.

Circuit clerk to be recorder.

§ 12. The clerk of the circuit court shall be recorder of deeds, and shall perform all other duties now required by [of] the county recorder; and if any recorder now in office should die, resign, or otherwise vacate his office before this act takes effect, in such case, the clerk of the circuit court shall immediately take the office so vacated, and be entitled to receive such fees as are now, or may be, from time to time, allowed by law.

§ 13. The county court shall be, and is hereby, vested with all the powers and jurisdiction of the probate court, as now established by law, and appeals may be taken from and writs of *certiorari* prosecuted upon its judgments, rendered under the powers conferred in this act, in the manner prescribed by law, in case of similar judgments rendered by the probate court. The county court shall have concurrent jurisdiction with the circuit court in hearing and determining all applications for the sale of real estate of deceased persons, for the payment of debts of said decedents, and may make all orders and render all judgments on such applications that the circuit court might or could make or render in similar cases. And the orders and judgments of said court shall have the same force, power, and effect as the orders and judgment of the circuit court in like cases. And final process may issue as from the circuit court.

Powers and jurisdiction of court.

§ 14. The county judge shall be a conservator of the peace, and shall have the same civil and criminal jurisdiction as the justices of the peace in this state; and shall have the same power and authority to preserve order in the court, and punish contempts offered the court while in session, that the circuit court now possesses.

§ 15. The said judge, with two justices of the peace designated and provided for, shall, in all cases whatever, sit as a county court; have, exercise, and possess all the power, jurisdiction, and authority heretofore conferred by law on the county commissioners' court of this state; and shall sit for the transaction of county business on the first Mondays of December, March, June, and September, in every year, and shall continue open until the business before them is disposed of; and called or special terms for the transaction of county business may be held, as now provided by law for special terms of the county commissioners' courts. The sittings of said court shall be in the court-houses, or usual places of holding courts in the respective counties.

To sit as county court.

§ 16. On the Tuesday after the first Monday in November, in the year eighteen hundred and forty-nine, and on the Tuesday after the first Monday in November quadrennially forever thereafter, there shall be elected in each of the several counties of this state now organised, or that may hereafter from time to time be organised, and in the districts now established in pursuance of the laws of this state, or that may hereafter be established, and by the qualified electors thereof, the number of justices of the peace and constables to which such counties are now entitled by law, or to which they may hereafter from time to time be entitled; and said justices of the peace and constables so to be elected, shall exercise the powers and jurisdiction, and perform the duties, and be under the liabilities, in all respects whatever, of the justices of the peace and constables now in office, and be entitled to the same fees and emoluments, or such as may be provided by law.

Election for county officers.

§ 17. There shall be elected at the same times and places, in each of the said several counties, by the qualified electors thereof, and each county is hereby created a district for that purpose, two additional justices of the peace, whose jurisdiction shall be co-extensive with the counties, and who, together with the other justices of the peace and constables, provided for in the next preceding section of this act, shall hold their offices for the term of four years, and until their successors are elected and qualified,

Additional justices to be elected.

shall, in like manner as the other justices, give bond, exercise the same jurisdiction and powers, be subject to the same liabilities, and and perform the same duties; and shall, moreover, sit with the county judge as members of the court, for the transaction of all county business, and none other; and while sitting as members of the court, shall have an equal vote with the county judge on all questions and matters legally and properly before said court; shall each receive the same per diem compensation while holding courts. Any two of the three shall constitute a quorum to do business. The county judge shall be the presiding judge of the county court.

How commis-
sioned.

§ 18. The county judge, clerk of the county court, the county and district justices of the peace, in this act provided for, shall be commissioned by the governor; and the constables shall receive from the clerk, to whom election returns are made, certificates of election.

Vacancies, how
filled.

§ 19. Vacancies in the office of justice of the peace and constable shall be filled by special election, in the manner pointed out in the sixth section of this act, for filling a vacancy in the office of county judge; *Provided*, that in filling vacancies in the office of constable and district justices of the peace, the order for and notice of election shall be applicable to the proper district only.

Additional oath.

§ 20. In addition to oaths to support the constitution of the United States, and of this state, and an oath for the faithful and prompt discharge of the duties of their respective offices, the said justices of the peace and constables shall each take the oath prescribed in the twenty-sixth section of the thirteenth article of the constitution of this state.

Duty of sheriff.

§ 21. The sheriff in each county shall, by himself or deputy, attend the sittings of the county court, preserve order in the same, and execute the legal commands thereof.

Proceedings,
how conducted

§ 22. In all suits or proceedings whatever, originating in the county court, the process and service thereof shall be the same as if the proceeding originated in the circuit court, as near as circumstances will permit.

Books to be
provided.

§ 23. The clerk of the county court shall provide for the use of his office, two sets of books, for the purpose of entering and preserving the proceedings of said court, while acting with the justices of the peace for the transaction of county business, separate from those containing the proceedings and business of said court while acting judicially. And said clerk shall keep the papers and business of said court, in like manner, separate.

Rules.

§ 24. In all cases where concurrent jurisdiction with the circuit court is given to the county court by this act, the rules of proceeding and practice shall be the same, and in all cases in which the probate court has heretofore exercised jurisdiction, the rules of proceeding and practice in the county court shall be the same as that held in the probate court. And in all cases in which the county commissioners' courts have heretofore exercised jurisdiction, the rules of proceeding and practice in the county court shall be the same as in the county commissioners' courts.

When to enter
on duties.

§ 25. On the first Monday of December, eighteen hundred and forty-nine, the county judges, clerks of the county court, justices of the peace, and constables, provided for in this act, shall enter upon the duties of their respective offices, and on said day the term of office of the county commissioners, clerks of the county com-

missioners' court, probate justices of the peace, justices of the peace, and constables, then in office, shall expire; *Provided*, that the justices of the peace, constables, county commissioners, clerks of the county commissioners' courts, and probate justices of the peace, who shall be in office on the first Monday in August next, shall continue in office until the first Monday in December next, and until the justices of the peace, county judges, and clerk of the county court, provided for in this act, shall respectively be elected and qualified; *And provided, further*, that a failure of any of the officers last mentioned to execute bond and take the oath of office, within twenty days after notice to any such officer of his election, at any general or special election, shall create a vacancy in office, and be filled by election or appointment as hereinbefore provided.

Proviso.

Furth'r proviso

APPROVED February 12, 1849.

AN ACT in relation to the Jo Daviess county court, created by act approved March 1, 1849.

In force
April 13, 1849

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That the judge of the seventh judicial circuit is hereby authorised to hold two terms of the Jo Daviess county court, one of which terms shall commence on the first Monday of May next, and the other of said terms on the first Monday of September next, for the purpose of closing up and finishing the business of said court as far as practicable.

Duty of judge
of 7th circuit

§ 2. That after the end of the term last above provided for, no suits shall be brought in said court, and no further business shall be done therein, or by the officers thereof, except to issue, at any time within six months after the close of said term, all executions, fee bills, and other process, as may be necessary to finally close up and carry into effect any judgment, decree, or final order of said court, made previous to the end of the term aforesaid.

Business to be
closed.

§ 3. That after the adjournment of the said last mentioned term of said court, all suits, pleas, process, and proceedings of what kind soever, therein pending and undetermined, and all papers and records connected therewith, shall be, and the same are hereby, transferred to the circuit court of Jo Daviess county, to be therein proceeded with in all respects the same as though the said suits and proceedings had been originally commenced in said circuit court.

Business, &c..
transferred.

§ 4. That after the expiration of six months from the adjournment of the last term of the Jo Daviess court, herein directed to be held, it shall be the duty of the clerk of said court to transfer and deliver to the clerk of the circuit court for the said county, all books, papers, and records of every name, kind, and description, in the custody, power, and control, of the said clerk, to be and remain in the custody, power, and control, of the clerk of said circuit court, for the use and benefit of the parties therein interested; and to remain as public records, as fully and effectually as if the said books, papers, and records had belonged to, and the suits to which they pertain had originated and been prosecuted in said circuit

Duty of clerks

court; and all process, rules, or orders necessary for the further prosecution of any rights or remedies, shall be made by the court, or issued by the clerk of said circuit court.

Court suspended.

§ 5. The said Jo Daviess county court, from and after the expiration of the said six months, shall be, and the same is hereby, suspended, and process returnable thereto shall be returned into the said circuit court, and full power is hereby conferred upon said circuit court to enforce and compel the return of such process.

Special terms may be appointed.

§ 6. If for any cause the judge of the seventh judicial circuit shall be unable or fail to hold the terms hereinbefore provided for, said judge may appoint special terms in the same manner as special terms are appointed in the act creating said Jo Daviess county court. And all process issued out of said Jo Daviess county court, after the passage of this act, shall be tested in the name of the clerk thereof. That the clerk of the Jo Daviess county court, after the expiration of his office, shall be entitled to all the benefits, and the clerk of the Jo Daviess circuit court shall do and perform all of the duties required and enjoined by the thirty-ninth section of the forty-first chapter of the revised statutes, entitled "fees and salaries;" *Provided*, that the special terms herein provided for, shall be held within twelve months from and after the passage of this act.

Disposition of fees.

Proviso.

Appeals, &c., prohibited.

§ 7. That no appeals shall be taken to nor any new suit brought or indictments found in said county court, from and after the passage of this bill, but the same shall be taken to brought and found in the Jo Daviess circuit court.

Compensation.

§ 8. The sum of one hundred and fifty dollars, for each of said terms, is hereby appropriated to the judge of the seventh judicial circuit, for the holding of said courts, to be paid out of any moneys in the treasury not otherwise appropriated; and section ten of the act creating the Jo Daviess county court, and all terms of said court other than is provided, and all parts of said act creating said court that conflicts with the provisions of this act, shall be, and the same are hereby, repealed.

Act repealed.

APPROVED February 8, 1849.

In force Feb. 12, 1849. AN ACT supplementary to the act establishing county courts, and providing for the election of justices of the peace and constables, and for other purposes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That the county recorders of the several counties in this state, now in office, shall hold their respective offices until the first Monday in December next; *Provided, however*, that in case any recorder, now in office, shall die, resign, or otherwise vacate his office, in such case, the clerk of the circuit court of the county in which such vacancy shall happen, shall immediately become recorder, any thing in the act to which this is a supplement, conflicting with the provisions of this act to the contrary notwithstanding. This act to take effect from its passage.

APPROVED February 12, 1849.

AN ACT to provide for the election of certain officers therein named.

In force
Feb. 6, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That on the first Monday of April, in the year of our Lord one thousand eight hundred and forty-nine, and every fourth year thereafter, an election shall be held in Cook county, at which election there shall be chosen one judge of the court, created by an act entitled "an act to establish the Cook county court," approved February 21st, 1845; also a clerk of said court, and a prosecuting attorney, to perform the duties provided for in said act, who shall each hold their respective offices for the term of four years, and until their successors shall be elected and qualified.

Election of
judge and clerk.

§ 2. The said election shall be conducted and the returns thereof made, in all respects, as in other elections for county officers. The person receiving the greatest number of votes for either of said offices shall be declared duly elected, and shall be commissioned by the governor.

Returns, &c.

§ 3. Before entering upon the duties of their respective offices, the person so chosen shall take the usual oath of office; and the clerk and prosecuting attorney shall each execute a bond in the manner prescribed in the act creating said court.

Oath.

§ 4. Upon the commencement of every suit on the law side of said court, the plaintiff in such suit, before process shall be issued, shall pay to the clerk of said court the sum of one dollar and fifty cents, and upon the taking of each appeal from the decision of any justice of the peace within the limits of the city of Chicago, whether bond is filed with the justice of the peace or clerk of the court, the sum of fifty cents shall first be paid by the party taking the appeal before the same shall be allowed; and upon the commencement of each chancery suit, before process shall be issued, there shall be paid by the complainant to the clerk the sum of two dollars and fifty cents; which said amounts shall be taxed against the losing party as other costs are. The above fees shall be reserved and paid to the judge of said court at the expiration of each quarter, during each year.

Fees.

§ 5. That before any judgment shall be entered in said court by confession and without the issuing of any process, if the amount of such judgment shall be for a less sum than one hundred dollars, there shall be paid to the clerk of said court, fifty cents; if the judgment shall be for a sum exceeding one hundred dollars and not more than five hundred dollars, there shall be [paid] to the clerk of said court, one dollar; if the judgment shall be for a sum exceeding five hundred dollars, there shall be paid to the clerk of said court, one dollar and fifty cents; which said amounts shall be taxed against the losing party as in other cases; which sums so paid shall be by the clerk of said court paid over to the judge of said court at the expiration of each quarter during each year.

§ 6. That it shall be the duty of each justice of the peace within the limits of the city of Chicago, to make out and furnish to the judge of said court, on the first day of each term of said court, a list of the appeals granted by him to the said court, and shall at the same time pay over the sums by him received on the granting of each appeal.

Duties of justices of peace.

Powers conferred.

§ 7. All the powers, rights, duties, and obligations conferred or imposed upon the said judge, clerk, prosecuting attorney, or either of them, in and by the said act creating the said court, are hereby conferred and imposed upon the said officers, and each of them, to be elected by authority of this act. And all process hereafter issued out of said court shall be tested in the name of the clerk of said court.

Clerk may be removed.

§ 8. That the judge of said court shall have power to remove the clerk thereof, and to appoint another in his place, who shall hold his office until the next general election, to be held under the authority of this act; *Provided*, that the reasons for the removal of any clerk shall be by the judge entered at length upon the records of said court.

Vacancies, how filled.

§ 9. That when any vacancy shall occur in the office of judge or prosecuting attorney for said circuit, it shall be the duty of the governor to issue his writ of election to the sheriff of said county, commanding said sheriff to give twenty days' notice of an election to fill such vacancy; whereupon an election shall be held in the manner directed for other county elections.

Contested election, how tried.

§ 10. In all cases where the election of any person, to act as the judge of the said court, shall be contested, the same proceedings and trial shall be had in every respect as is provided by laws for contesting the election of any judge of any circuit court in this state; and in all cases where the right of any person to act as clerk or prosecuting attorney shall be contested, the same proceeding shall be had as in other contested elections for county officers; but such contest shall be heard and tried in the circuit court for the county of Cook.

Act repealed.

§ 11. So much of the act mentioned in the first section of this act as conflicts herewith be, and the same is hereby, repealed. This act to take effect and be in force from and after its passage.

APPROVED February 6, 1849.

In force
April 13, 1849.

AN ACT concerning the public debt.

Governor to invest dividend.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That the governor of this state is hereby authorised to invest the annual dividend upon the surplus revenue due [from] the general government, (which dividend is derivable under the fifteenth article of the constitution,) and also such sums of money as may be received from the general government, due the school fund of this state, in Illinois bonds; and the same, when so purchased, shall be cancelled and filed with the treasurer, and the amount of such bonds and interest shall be entered upon the books of the auditor of state, and reported to the legislature at each session in a separate item with the school fund.

Time extended.

§ 2. That the time limited by law within which the creditors of the state are required to present their bonds and indebtedness for funding, be, and the same is hereby, extended, and made subject only to limitation on notice given by the *ex officio* fund commissioner.

§ 3. That hereafter the following order shall be preserved in carrying into effect the 15th article of the constitution of this state, viz: The annual dividend shall be made on the first day of January, provided, it shall not come on Sunday, in which case the second day of January, and the amount which shall appear due upon each bond, under such dividend, shall be paid over to the proper parties in ten days after such dividend shall have been struck.

Time of making dividend.

§ 4. That the sum of \$1,500 yearly is hereby appropriated, or so much thereof as shall be found necessary, to defray the expenses of the interest and transfer agencies of this state in the city of New York.

Appropriation for agencies.

APPROVED February 12, 1849.

AN ACT to provide for the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes.

In force Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That there shall be elected by general ticket on the Tuesday next after the first Monday in November, preceding the expiration of the term of office of each president of the United States, as many electors of president and vice president of the United States as this state may be entitled to elect; which election shall be conducted and returns thereof made as hereinafter provided; *Provided,* that if congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by act of congress.

Presidential electors.

Proviso.

§ 2. All general elections for the election of governor, lieutenant governor, secretary of state, auditor of public accounts, state treasurer, representatives to congress, senators and representatives to the general assembly, and county officers, shall be held on the Tuesday next after the first Monday of November biennially, except for such offices as are directed to be chosen at other times than biennially; which elections shall be conducted as is directed by this act and the act to which this is an amendment.

Time of election of state officers.

§ 3. That an election shall be held in this state on the first Monday of June, eighteen hundred and fifty-two, and every ninth year thereafter, for one judge of the supreme court from the first grand division; on the first Monday of June, eighteen hundred and fifty-five, and every ninth year thereafter, for one judge of the supreme court from the third grand division; and on the first Monday of June, eighteen hundred and fifty-eight, and every ninth year thereafter, for one judge of the supreme court from the second grand division; and the present judges of the supreme court shall respectively hold their offices till the time fixed by this section for an election of a judge from the division for which such judge may have been elected.

Election for judges of supreme court.

§ 4. That on the first Monday of June, one thousand eight hundred and fifty-five, and every sixth year thereafter, an election shall be held in each judicial circuit for the election of a judge for such circuit; *Provided,* that whenever an additional judicial circuit shall be created, the first election of a judge for such circuit shall be held at such time as the law creating such circuit shall direct, but whose term of office shall expire at the time fixed for the next regular election of judges for the judicial circuits of this state.

For judges of circuit court.

Proviso.

Vacancies provided for.

§ 5. That in case of any vacancy in the office of judge of the supreme or circuit courts of this state, within one year of the time fixed by this act for an election of such judge, it shall be the duty of the governor to appoint a judge to fill such vacancy, who shall hold his office till the time fixed by this act for the election of judges for such court; but if any vacancy shall occur more than one year previous to the time fixed by this act for the election of such judge, it shall be the duty of the governor to issue writs of election to the several counties that may be entitled by law to vote for such judge, fixing the time for the holding of said election, and requiring said sheriffs to give twenty days' notice of the time and place of holding said elections; which elections shall be conducted in the same manner as if the election of such judge had taken place at the regular time fixed by law.

Proceedings in contested election.

§ 6. In case the right of any person claiming to be elected a judge of the supreme or circuit court shall be contested, the contest shall be conducted and the evidence taken in the same manner now provided by law for contesting the election of members of the general assembly, and the evidence, when taken, if it relate to the election of a judge of the supreme court, it shall be transmitted to the speaker of the senate; and if it relate to a judge of the circuit court, it shall be transmitted to the clerk of the supreme court of the grand division in which a sitting of the supreme court is first directed to be held after such contest shall have commenced.

Vacancies, how filled.

§ 7. In case of a vacancy in the office of clerk of the circuit court, it shall be the duty of the judge of said court to appoint a clerk, who shall hold his office until the next regular election for county officers, or members of the general assembly, whichever may first happen, at which election such vacancy shall be filled; and in case of a vacancy in the office of clerk in the supreme court in either of the grand divisions, the judges of the supreme court shall appoint a clerk, who shall hold his office until the time fixed by the constitution for the election of such clerk; and in case of a vacancy in the office of state's attorney, the governor shall appoint a state's attorney to fill such vacancy, who shall hold his office until the time fixed by the constitution for the election of state's attorneys; and in case of a vacancy in either of the offices of auditor, treasurer, or secretary of state, the governor shall fill any such vacancy until the time fixed by the constitution for an election to fill such vacancy.

§ 8. The election of state's attorneys and clerks of the supreme court may be contested in the same manner as is provided for contesting the rights of judges of the circuit courts; and the election of clerks of the circuit courts may be contested in the manner provided for contesting the election of county officers; *Provided*, any person whose election is proposed to be contested, shall be released from cost of such contested election, by refusing to receive a certificate of the clerk of the county court of his election.

Returns, how made.

§ 9. Returns of the election of judges of the supreme court and circuit courts, secretary of state, auditor, treasurer, state's attorneys, and clerks of the supreme court, shall be made and canvassed as is now provided by law for representatives in congress. Returns for clerks of the circuit court shall be made and canvassed as is now provided for other county officers.

Qualifications of voters.

§ 10. At any and all elections held in this state, every white male citizen above the age of twenty-one years, having resided in this state one year next preceding any election, and every white

male inhabitant of the age aforesaid, who was a resident of this state on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, shall be entitled to vote at any election; but no person shall be entitled to vote except in the precinct, place, or township where a poll shall be held, in which he shall actually reside at the time of such election; *Provided*, that when any such person shall offer his vote, and either of the judges of the election shall suspect that such person is not a qualified voter, or if his vote shall be challenged by any elector, the judge of the election shall tender to such person the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be,) that you are a resident of this precinct, place, or township, that you are a citizen of this state, and have resided herein one year preceding this election, or that you was an inhabitant of this state on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, that you are above the age of twenty-one years, and that you have not voted at this election, so help you God." Every vote offered by any person who shall refuse to take the foregoing oath shall be rejected.

Proviso.

§ 11. That the county court, or the board doing county business in each of the several counties in this state, at their first meeting in each and every year, shall cause a suitable number of blank forms of poll-books and election returns to be made out (headed and certified as the nature of the case may be,) for each board of elections, in each precinct, township or place; which they shall cause to be delivered into the hands of the sheriffs respectively of said counties, whose duty it shall be to deliver them to the judges, or boards of election, at least ten days previous to the next election then to be held.

Blank forms to be provided.

§ 12. Each qualified voter may vote once and no more; and if any person shall attempt to vote more than once, or to hand in two or more tickets folded together, every person so offending shall be liable to indictment, and on conviction shall be fined in any sum not exceeding fifty dollars.

Restrictions.

§ 13. Every ticket handed in shall contain the name of every candidate such voter intends voting for, either in writing or print, designating the office to which he wishes each to be elected; and if more persons are designated for any office than there are candidates to be elected, such part of the ticket shall not be counted for either of them, but no vote shall be rejected for the want of form, if the judges or board of election can determine therefrom, to their satisfaction, the person voted for, and the office which the voter intended such person should fill.

Form of votes.

§ 14. That the county court, or board doing business, shall provide a sufficient number of ballot-boxes at the expense of the county, for the several boards or judges of election, to be kept by one of the judges or board, and to be delivered over to the successors of such judges or board, each of which said ballot-boxes shall be furnished with a sufficient lock and key, and before any ballot shall have been deposited therein the same shall be publicly opened and exhibited, to the end that the judges and clerks assisting at every election may see that no ballot is in said box; after which, the same shall be locked and the key delivered over to one of the judges or board of election, and shall not be opened during the said election, except in the manner and for the purposes herein provided. An opening shall be made in the top or lid of each of such bal-

Ballot-boxes.

How kept.

lot-boxes, not larger than shall be sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot received shall be inserted.

Method of voting.

§ 15. The method of voting shall be by ballot, which ballot shall be folded by the voter and delivered to one of the judges or board of election, who shall, without unfolding or opening the same in any manner, deposit the said ballot in the said ballot-box; *Provided*, that no ballot shall be received or counted unless the same is written or printed upon white paper, without any marks or figures thereon, intended to distinguish one ballot from another.

Proviso.

Duty of clerks and judges.

§ 16. Each clerk of the election shall keep a poll list, which shall contain one column, headed "names of voters." The name of each elector voting shall be entered by each clerk in regular succession under the said heading in his poll list. At each adjournment of the polls, and upon the final closing of the same, the clerks shall, in the presence of the judges or board of election, compare their respective poll lists, and correct all mistakes that may be discovered according to the decisions of the judges or board of election, until such poll lists shall be made to correspond in all respects; the ballot-box shall then be opened and the said poll lists placed therein; the box shall then again be locked, and the seal of one or more of the judges shall be so placed thereon as entirely to cover the opening in the lid or top of said box; the key of said box shall then be delivered to one of the judges or board of election, and the box to another; the judge having the key shall keep the same in his own possession, and deliver it again to the board at the next opening of the poll; the judge having the box shall carefully keep it, without opening it or permitting it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it in that condition to the board at the next opening of the polls.

Votes how canvassed.

§ 17. As soon as the polls at any election shall have finally closed, the judges, or board and clerks, may adjourn the counting and canvassing of the votes to some convenient hour of the next ensuing day, at which time they shall proceed to canvass the votes polled, by first counting the whole number of ballots in the box; if the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall be replaced in the box, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess, and the ballots or poll lists agreeing, or being made to agree, the board shall proceed to count and estimate and publish the votes.

Fraudulent votes disposed of.

§ 18. As the judges or board of election shall open and read the tickets, each clerk shall carefully mark down the votes each candidate shall receive, in separate columns prepared for that purpose, with the name of such candidate at the head of such column, and the office or place it is designed by the voters such candidate shall fill; but if on such canvassing two tickets shall be found deceitfully folded together, they shall both be rejected as if the same had never been deposited in the ballot-box.

Certificates.

§ 19. As soon as all the votes shall have been read off and counted, the judges or board of election shall make out a certificate under their hands, stating the number of votes each candidate received, designating the office for which such person received such vote or votes, as is prescribed and directed by the twenty-third section of the thirty-seventh chapter of the revised statutes, enti-

tled "elections;" and the said certificate, together with one of the lists of voters, and one of the tally papers, shall be put into the hands of one of the judges or board of election, who shall, within four days thereafter, deliver the same to the clerk of the county court, or his deputy, at the county seat or place of holding county courts; and when received, such clerk or deputy shall proceed to open, canvass and publish the return from each precinct, township or place, as is now provided by law.

§ 20. If any judge or the judges of any election shall refuse to receive the vote of any qualified elector, who shall take or offer to take the oath prescribed by this act, in such case every judge so refusing or neglecting to receive the vote or ballot, or opening or unfolding such ballot, when the same shall be presented, shall be liable to be indicted, and on conviction, shall be fined five hundred dollars, and imprisonment not exceeding thirty days; and for every refusal or neglect to receive such vote, the party aggrieved may have an action on the case against the said judge or judges; the damages in such case shall not exceed the sum of five hundred dollars.

Penalty for refusal.

§ 21. Section one, six, fifteen, sixteen, eighteen, twenty-four, and thirty-nine, of chapter thirty-seven, of the revised statutes, entitled "elections," approved March third, 1845, shall be, and the same is hereby, repealed; and such sections of said acts as are not herein repealed, shall remain in full force and effect.

Sections repealed.

This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1849.

AN ACT to revive a part of a certain act therein named.

In force Jan. 2, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That sections one, two, three, four, and five of an act entitled "an act concerning water crafts found adrift, lost goods, and stray animals," approved January thirty-first, one thousand eight hundred and twenty-seven, and in force June first, one thousand eight hundred and thirty-three, be, and the same are hereby, revised and revived, as well as all other parts of said act which applies to lost goods.

Sections re-enacted.

§ 2. The act which is hereby revived shall apply to certain property which was placed in the possession and custody of Brady Rust, a justice of the peace of Monroe county; and no action shall be maintained against said Rust, for proceeding in the disposition of said property in accordance with the act hereby revised, the same as though said act had been in force at the time said property was placed in his possession. This act to be in force from and after its passage.

Act to apply.

This bill having been laid before the council of revision, and ten days not having intervened before the adjournment of the general assembly, and said bill not having been returned, with the objection of the council on the first day of the present session of the general assembly, the same has become a law.

Secretary's certificate.

H. S. COOLEY, *Secretary of State.*

January 2, 1849.

In force
April 13, 1849.

AN ACT to provide for the publication of estray notices.

Governor to
designate
paper.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That section ten, chapter thirty-nine, of the revised statutes of this state be, and the same is hereby, so amended as to require the publication of estray notices in some public newspaper to be designated by the governor; and the publisher of said newspaper, so designated, is hereby made subject to all the requirements provided in said chapter in regard to the public printer.

APPROVED February 12, 1849.

In force
Dec. 3, 1848.

AN ACT to amend the act entitled "fees and salaries," chap. 41 Revised Statutes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the salaries, fees, and compensation of the several persons hereinafter named, shall be as follows:

Salaries of state
officers.

To the governor, per annum, fifteen hundred dollars; to the secretary of state, exclusive of fees, per annum, eight hundred dollars; to the auditor of public accounts, exclusive of clerk hire, per annum, one thousand dollars; to the treasurer, per annum, eight hundred dollars; to each of the judges of the supreme court, per annum, twelve hundred dollars; to each of the judges of the circuit court, one thousand dollars per annum; to each of the state's attorneys, per annum, two hundred and fifty dollars. All of which salaries shall be paid to the persons entitled thereto in quarter yearly instalments, on the warrant of the auditor, out of any moneys in the treasury not otherwise appropriated.

MEMBERS OF THE GENERAL ASSEMBLY.

Pay of members
of legislature.

Of officers.

§ 2. There shall be allowed to the speaker of the senate and house of representatives, respectively, per day, three dollars; to each member of the senate and house of representatives, per day, two dollars, for the first forty-two days' attendance, and one dollar per day for each day's attendance thereafter; to each speaker and member, for every mile necessary travel in going to and returning from the place of session, ten cents; to the secretary of the senate and principal clerk of the house of representatives, respectively, three dollars per day; to the assistant secretary of the senate and assistant clerk of the house of representatives, respectively, three dollars per day; to the engrossing and enrolling clerk of the senate and house of representatives, respectively, three dollars per day, and to each of the assistant engrossing and enrolling clerks, three dollars per day; the number of days to be certified by the principal; to the sergeant-at-arms of the senate and doorkeeper of the house of representatives, respectively, three dollars per day; to the assistant sergeant-at-arms of the senate, and assistant doorkeeper of the house of representatives, respectively, three dollars per day; to the copyist of the journals of the senate and house of representatives, each, three dollars per day.

And the said compensation, when due to the officers and mem- How certified.
bers of the senate as aforesaid, shall be certified by the secretary
thereof, with the exception of his own compensation, which shall
be certified by the speaker; and the compensation that may be due
to the officers and members of the house of representatives shall
be certified by the principal clerk thereof, and that of the clerk
by the speaker; which said certificate, when made out as aforesaid, shall be sufficient evidence to the auditor of each person's
claim, respectively, who shall issue his warrant on the treasury for
the amount to which such person shall be entitled as aforesaid, to
be paid out of any moneys in the treasury not otherwise appropriated.

INCIDENTAL EXPENSES.

§ 3. The incidental expenses of the offices of the auditor of Incidental ex-
public accounts, state treasurer, and secretary of state, shall in- penses.
clude postage on all public papers sent by mail, to or from said
officers, relative to the business thereof, furniture for the same, the
necessary fuel, and all such books, blanks, and other stationery, as
shall be considered necessary for the convenient transaction of bu-
siness in said departments, respectively.

§ 4. For the purpose of defraying the incidental expenses afore- Vouchers, &c.
said, it shall be the duty of said officers, respectively, from time to
time, as said expenses may be incurred, to lay proper vouchers for
the same before the governor, whose duty it shall be, if such ac-
counts appear to be reasonable, to allow the same, and to certify
the amount thereof to the auditor, who shall thereupon be required
to issue his warrant for the same to the person entitled thereto, to
be paid out of any moneys in the treasury not otherwise appro-
priated.

FEES OF SECRETARY STATE.

§ 5. For copies or exemplification of records, for every one Fees of secreta-
hundred words, fifteen cents; for affixing seal, with certificate of ry of state.
authentication, one dollar; for copy of any law, for every one hun-
dred words, fifteen cents; for official certificate without seal, when
not required for public use, twenty-five cents; *Provided*, that he
shall in no case be entitled to any fees whatever where any servi-
ces are performed for the state, in the discharge of the duties of
his office, nor for copying laws, memorials, or resolutions.

FEES OF CLERKS OF THE SUPREME COURT.

§ 6. For each writ of error and seal, with supersedeas, fifty Fees of clerk of
cents; for each writ of error, without supersedeas, fifty cents; for supreme court
each bond, when not furnished by the party, twenty-five cents; for
filing each paper, excepting records and papers on appeals and
writs of error, five cents; for filing each record and accompanying
papers, on appeals and writs of error as returned by the inferior
courts, fifteen cents; for docketing each cause, ten cents; for en-
tering each rule or order of court, each entry being considered as
one order, twenty-five cents; for issuing execution, twenty-five
cents; for docketing same, ten cents; for entering sheriff's return

on same, ten cents ; for each subpoena and seal, twenty-five cents ; for each *scire facias*, mandamus, or other special writ, and sealing same, for every one hundred words, ten cents ; for bringing any particular record into court of a suit, matter, or thing, not before the court, twenty cents ; for entering every judgment or decree, for every one hundred words, ten cents ; for making complete record, when directed by the party, for every one hundred words, ten cents ; for copy of record, or other proceedings, and sealing same if required, for every one hundred words, ten cents ; for entering each continuance from one term to another, ten cents ; for each official certificate and seal, other than process of the court, twenty-five cents ; for each official certificate without seal, twenty cents ; for entering attorney on the roll, administering oath, and certifying to the same, one dollar ; for making bill of costs for execution, and recording the same in the costs or fee book, twenty-five cents ; for copy of the same, when required by either party, twenty-five cents ; for administering each oath, five cents.

CLERK'S FEES IN THE CIRCUIT COURT.

Fees of clerk of
circuit court.

§ 7. For each *capias*, summons, subpoena, or other process not herein expressly named, and sealing the same, thirty-five cents ; *Provided*, that only one subpoena shall be charged for every four witnesses, unless actually made out on request, in writing ; for filing each paper in the progress of a suit, and appertaining to the same, excepting papers on appeals from justices of the peace, five cents ; for filing papers on appeals from justices of the peace, taking appeal bond and issuing supersedeas thereon, fifty cents ; taking bond for costs, ten cents ; for filing and opening each deposition, five cents ; for entering each suit on the docket for trial, ten cents ; for entering each order or rule of court for continuance, default to plead, or any order actually entered in the progress of a suit, and counting the whole entry for one, twenty cents ; for each discontinuance, retracit or non-suit, twenty cents ; for each *dedimus* to take depositions, fifty cents ; for bringing any particular record into court, of a suit, matter, or thing not properly before the court, ten cents ; for calling and swearing each jury, fifteen cents ; for swearing each witness in court, five cents ; for swearing any person to an affidavit, and filing the same, ten cents ; for receiving and entering the verdict of a jury, ten cents ; for entering each final judgment in a case, twenty-five cents ; and for entering each decree in chancery, ten cents for every one hundred words ; for issuing each writ of *habeas corpus*, *certiorari*, or *procedendo*, forty cents ; for assessing the damages on any bond, note, or other instrument, for the payment of money, by order of court, and making a report thereof in writing, and filing said report, twenty cents ; for entering special bail of record in each case, twenty cents ; for making a list of jurors when requested, ten cents ; for swearing a constable to take charge of a jury, five cents ; for issuing an execution, forty cents ; for docketing the same, ten cents ; for entering the sheriff's return on each execution, ten cents ; for entering satisfaction of judgment, fifteen cents ; for entering the report of commissioners or referees, or the award of arbitrators, and all other special entries, for every one hundred words, ten cents ; for each certificate and seal, other than the process of the court, thirty-five cents ; for taking bond in case of

attachment, forty cents; for taking injunction bond in chancery, forty cents; for taking bond in cases of appeal to the supreme court, fifty cents; for entering appearance of attorney, but once in each cause, ten cents; for entering plaintiff's or defendant's appearance, but once in each cause, five cents; for each attachment for a witness or other person, twenty-five cents; for each *venire facias*, or jury warrant, when actually made out, thirty cents; for making bill of costs for each execution, and entering the same of record in the fee book, being one charge, thirty cents; for a copy of the same, when requested by either party, twenty cents; for making a complete record of proceedings and judgment, when directed by the court, for every one hundred words, ten cents; for making copy of bill, answer, declaration, pleadings, judgment, or other proceedings, for every one hundred words, ten cents; for certifying and sealing the same, when required in writing, twenty-five cents; for each commission, *scire facias*, or other special writ or process, and sealing the same, for every hundred words, ten cents; for taking depositions when requested, and certifying to the same, for every hundred words, ten cents; for taking acknowledgment of deed, power of attorney, or other writing, and certifying or sealing the same, twenty-five cents; for making entry of record of naturalisation, and for copy thereof, or for either, for every hundred words, ten cents; for taking each recognizance in court, and entering the same of record, thirty cents; for arraigning a prisoner at the bar, twenty-five cents; for entering judgment of conviction, twenty-five cents; for copy of an indictment, when requested, for every hundred words, fifteen cents; for entering the discharge of a recognizance, ten cents; for a copy of the list of grand or petit jurors, when requested, in a criminal cause, twenty-five cents; for swearing jurors, witnesses, and all other persons, the same fees shall be allowed as in civil cases; and in all criminal cases, where the defendant shall be acquitted, or otherwise legally discharged, without payment of costs, the clerk shall receive such compensation as the county court shall order, not exceeding twenty-five dollars per annum; for filing the declaration of intention of becoming a citizen, five cents; for swearing the applicant to declaration, ten cents; for certifying declaration under seal of court, twenty-five cents; for filing papers in cases of application for naturalisation, each, ten cents; administering any oath, five cents; for recording all deeds, mortgages, or other instruments of writing, for every one hundred words, eight cents; and it shall not be necessary for a certificate to be made by the recorder, of the recording a deed or other writing, but an endorsement on the writing recorded, of the book and page in which the same is recorded, and the date of recording the same, signed by the clerk, shall be deemed sufficient evidence of the recording thereof, and for which no fees shall be chargeable; for copies of records, the same fees as for recording; for entering each tract of land named in the deed, above five, in the entry book, five cents, and the entry book in the respective offices of the recorder shall belong to the public.

FEES OF THE CLERKS OF THE COUNTY COURTS.

§ 8. For taking proof of any will or testament, and endorsing certificate of probate thereon, including all services relating there- Fees of clerk of county court.

to, thirty-five cents; for recording last will and testament, for every one hundred words, ten cents; for issuing letters of administration, or letters testamentary, and affixing seal thereto, and recording same, seventy-five cents; for taking bond of an executor or administrator, and administering oath, fifty cents; for each citation, twenty cents; for taking and filing renunciation of widow, or next of kin, fifteen cents; for taking proof of codicil, when proved separately, and endorsing certificate of probate thereon, including all service relating thereto, fifty cents; for recording the same, for every one hundred words, ten cents; for entering the settlement of executors or administrators on the order book, for every one hundred words, figures included, ten cents; for copy of settlement, with certificate and seal, for every hundred words, ten cents; for copies or exemplifications of records and papers, for every one hundred words, ten cents; for official certificate and seal, other than to process, and for which no fee is allowed by law, twenty-five cents; for each summons, subpoena, or other writ or process of court, and sealing the same, and for which no other fee is allowed, twenty-five cents; for administering oath to each witness in court, five cents; for swearing any person to an affidavit, and filing the same, ten cents; for entering each judgment, order, or decree, except orders allowing claims against estates, and counting the whole entry as one, twenty cents; *Provided*, that no charge shall be made for allowing claims against estates, except for swearing to and filing affidavit, unless the claim be litigated as other suits; for issuing each execution, forty cents; for docketing same, ten cents; for entering sheriff's return on same, ten cents; for making bill of costs for each execution, and recording the same, being one charge, twenty cents; for filing each paper belonging to the settlement of estates, or suit pending, five cents; for appraisment bills, sale bills, and all other exhibits and writings, (except wills and codicils,) when ordered to be recorded by the court, (and not otherwise,) for every thirty words, figures inclusive, two cents; for issuing letters of guardianship, and recording the same, thirty cents; for taking bond of guardian, or for taking any bond not hereinbefore specified, and filing the same, twenty-five cents; for calling and swearing each jury, fifteen cents; for writing indenture, to be paid by master, fifty cents; for each license, and taking bond for ferry, toll-bridge, turnpike road, tavern, grocery, or pedler, one dollar; for each marriage license, fifty cents; for recording marriage certificate, ten cents; each copy of rates for ferry, toll-bridge, or turnpike road, twenty-five cents; for each writ of *ad quod damnum*, fifty cents; for taking depositions, and certifying to the same, for every one hundred words, ten cents; for taking and certifying the acknowledgment of a deed, power of attorney, or other writing, and sealing same, twenty-five cents; for taking proof in case of estrays, and granting certificate of the same, twenty-five cents; for registering each certificate transmitted to him by a justice of the peace, in cases of estrays, ten cents; for advertisements in such cases, including the copy for newspaper publication, fifty cents; trying and sealing weights and measures, by county standard, fifteen cents; for keeping a regular account current with each and every administrator, executor or guardian, to be kept in a well bound book furnished for that purpose, one dollar.

Proviso.

FEES OF STATE ATTORNEYS.

§ 9. For each conviction in a criminal cause, where the crime is infamous, and the offender subject to corporal punishment, ten dollars; for each conviction, where the crime is not infamous, and the defendant is subject to fine or imprisonment only, five dollars. Attorneys' fees

FEES OF THE SUCCESSFUL PARTY AT LAW.

§ 10. There shall be allowed to the successful party in each civil action in the circuit and supreme courts, the following docket fees, to wit: In each suit in which the title to lands shall come in question, two dollars and fifty cents; in each suit where the title to lands does not come in question, one dollar and twenty-five cents; in each chancery suit, two dollars and fifty cents. No docket fee shall be allowed or charged, where final judgment or decree shall be for costs only, nor where the case shall be decided without empannelling a jury, except in divorce cases. Fees of party at law.

The above fees shall be taxed in the bill of costs against the unsuccessful party, whether plaintiff or defendant; *Provided*, that not more than one docket fee shall be charged and taxed against the same person, in any one cause, in the same court.

SHERIFF'S FEES.

§ 11. For serving a writ or summons on each defendant, fifty cents; for taking special bail, twenty-five cents; for serving a subpœna, on each witness, twenty-five cents; for summoning a jury, (grand jury excepted) each case, fifty cents; for advertising property for sale, twenty-five cents; for returning each writ, or other process, ten cents; mileage, for each mile of necessary travel to serve any such writ or process as aforesaid, calculating from the place of holding the court to the place of residence of the defendant or witness, or place of service, for going only, five cents; for calling the jury in each case, ten cents; for levying an execution, fifty cents; for serving and returning a *scire facias* to revive a judgment, to foreclose a mortgage, or against bail, sixty cents; for committing each prisoner to jail, thirty-five cents; for discharging each person from jail, thirty-five cents; for dieting each prisoner, per day, thirty-five cents; for attending before a judge with a prisoner, on a writ of *habeas corpus*, one dollar; for each mile of necessary travel, in taking such prisoner before the judge as aforesaid, ten cents; for serving a writ of possession, with the aid of the *posse comitatus*, two dollars; for serving the same, without such aid, one dollar; mileage in either case, for each mile of necessary travel, from the place of holding court to the place where such writ is served, for going only, five cents; for executing a writ of *ad quod damnum*, attending the inquest, and returning the writ with the verdict of the jury, two dollars; for summoning a jury in the case of forcible entry and detainer, and attending the trial, two dollars; for attending the circuit and county courts, to be allowed and paid out of the county treasurer, [treasury] per day, one dollar; for executing and acknowledging a deed, on sale of real estate, one dollar; for making certificate of sale previous to execution of deed, twenty-five cents; for taking a replevin, or forthcoming bond, fifty cents;

for taking each bail bond, or recognizance, in a criminal cause, when required by law, fifty cents; for executing *capias* on a defendant, in a criminal cause where the offence is infamous, one dollar; for executing a *capias*, where the offence is not infamous, fifty cents; mileage, for each mile of necessary travel from the place of holding court to the place of making the arrest, five cents; for serving a declaration in ejectment, on each defendant, and making affidavit of service, sixty cents; mileage, for each mile of necessary travel from the place of holding court to the place of residence of the defendant, five cents; for conveying each prisoner from his own county to the jail of a foreign county, per mile, for going only, ten cents; for committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, thirty-five cents; for dieting such prisoner, per day, thirty-five cents; for each month's use of the jail, during the confinement of such prisoner, to be advanced as aforesaid, and paid into the county treasury, fifty cents; for discharging such prisoner, thirty-five cents.

In addition to the above fees, there shall be allowed to the several sheriffs in this state, a commission of three per centum on all sales of real and personal estate, which shall be made by virtue of any execution issued in pursuance of law, or any decree of a court of chancery, where the money arising from such sales shall not exceed the sum of two hundred dollars; but in all cases where the amount of any such sale shall exceed that sum, a commission of one and a half per cent. on the excess only shall be allowed; *Provided*, that in all cases where the execution shall be settled by the parties, replevied, stopped by injunction, or paid, or where the property levied upon shall not actually be sold, the sheriff shall be allowed fifty cents for levying, and five cents per mile for going to and returning from the place of execution and sale, together with half the commission on all money collected by him which he would be entitled to if the same was made by sale on execution. And no other fees or compensation whatever shall be allowed on any execution, except the necessary expenses for keeping perishable property, to be ascertained and allowed by the court out of which the same shall have issued. In all cases where any of the sheriffs of this state shall be required by law to execute any sentence of punishment other than imprisonment, for which no fee is allowed by this act, it shall be the duty of the county court of the proper county to allow a reasonable compensation for the same, to be paid out of the county treasury. It shall be the duty of each sheriff entitled to mileage under this act to endorse on each writ, summons, subpoena, or other process that he may execute, the distance he may travel to execute the same, ascertaining the distance and the charge properly allowable therefor, in conformity with the foregoing regulations. In all criminal cases, where the defendant shall be acquitted, or otherwise legally discharged without payment of costs, the sheriff shall not be allowed any fees; but the county shall annually allow the sheriff such compensation for *ex officio* services, not exceeding thirty dollars, as said court shall deem right.

WITNESSES' FEES.

§ 12. Every witness attending in his own county on trial, per day, fifty cents ; for attending in a foreign county, going and returning, per day, accounting twenty miles for each day's travel, fifty cents ; every witness, when attending for the purpose of having his deposition taken, per day, fifty cents ; *Provided*, that no allowance or charge shall be made for the attendance of witnesses aforesaid. unless the witness shall make affidavit of the number of days he or she actually attended ; and that such attendance was at the instance of one or both of the parties or his or her or their attorney.

Witnesses' fees.

§ 13. In all criminal causes the venue of which shall be changed from the circuit court of the county in which indictment is found, the witnesses subpoenaed, or attending court, having been recognised at the instance of the people who shall attend the circuit court to which the venue of said cause may be changed, shall be entitled to the same fees now allowed by law to witnesses attending from foreign counties in civil causes.

§ 14. Every witness so attending may make affidavit before the court to which said venue may have been changed, of the number of days he or she may have attended such court as a witness on said trial, and the number of miles he or she may have and will have to travel in going to and returning from the place of holding said court ; and the said clerk shall thereupon tax the fees of such witnesses, and grant him or her a certificate thereof. And upon the presentation of said certificate by the said witness to the clerk of the county court of the county from whence the venue of said cause may have been changed, the said clerk shall draw an order upon the treasurer of said county, in favor of the said witness, for such sum of money as he may be entitled to by virtue of said certificate ; which said order shall be paid by the treasurer, out of any money in the county treasury not otherwise appropriated by law ; *Provided*, that nothing herein contained shall be so construed as to repeal the law now in force authorising witnesses' fees in criminal cases to be collected out of the estate of the defendant, in case he or she be convicted ; but when collected, the same shall be paid into the treasury of the county last named.

Affidavit required.

Certificates.

§ 15. Sections from one to fourteen, inclusive, and also sections twenty and twenty-three of the act to which this is an amendment, from and after the first Monday of December next, are hereby repealed ; and from and after the said day, this act shall take effect and be in force ; and every power conferred and duty imposed by the act to which this is an amendment, on the probate judges, probate justices, county commissioners, county commissioners' courts, or clerks of said courts, shall be applicable to the county courts, and the clerks of said courts, from and after said day.

Repealing clause.

APPROVED February 12, 1849.

In force Feb. 12, 1849. AN ACT to authorise the setting and protecting live fences on the sides of public highways.

To protect live fences on public highways. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That whenever any owner or owners, occupant or occupants, of any land or lands bordering upon any public road or highway, except a street or alley in a town or village through which any public road or highway may pass, may wish to plant any live fence along the margin of his, her or their lands, it shall be lawful for any such person or persons to set or plant any such hedge or live fences precisely on the line of the public road or highway, and also to set or plant on the margin of said road a protection fence, not to occupy more than six feet of the margin of said road, and such protection fence, when planted opposite any fence or hedge actually set or planted, shall be permitted by supervisors and all other persons to remain for the term of five years; *Provided,* that the county court of any county may give permission to the owner or owners of any hedge or live fence to continue any such protection for any time they may deem necessary.

To take effect. § 4. This act to be in force from and after its passage.
APPROVED February 12, 1849.

In force April 13, 1849. AN ACT to exempt the members of the fire department in the city of Chicago from paying a street or road tax.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the several persons within the city of Chicago, who are members of the fire department of said city, shall be, and they are hereby, exempted from working out any road or street tax within said city, or from paying any money in lieu thereof.

APPROVED February 10, 1849.

In force April 13, 1849. AN ACT to exempt firemen in the cities of Peoria and Quincy from serving as jurors.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That hereafter every person who may be an acting member of an organised fire company in the cities of Peoria and Quincy, in the state of Illinois, shall, during the time that he continues such acting member, be free and exempt from serving as a juror in any case whatever.

APPROVED February 12, 1849.

In force Feb. 12, 1849. AN ACT exempting members of fire companies of the city of Quincy from road labor.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That all members of any fire company of the city of Quincy, residing in said city during the

time he shall remain a member of such company, and comply with the rules and perform the duties thereof, shall be exempt from all road and street labor.

§ 2. This act shall not be construed so as to exempt any person from any tax upon property. This act shall take effect from and after its passage.

APPROVED February 12, 1849.

AN ACT to authorise the governor to pay George Steel the amount of a certain Judgment. In force April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the governor of this state is hereby authorised and required to pay George Steel, late contractor on sections ten and eleven of the Illinois and Michigan canal, within Cook county, the sum of three thousand and thirty-two dollars and sixty-two cents, with interest on the same from the fifteenth day of October, 1848. Governor to pay Judgment.

§ 2. The said payment shall be made in the same kind of funds which have heretofore been paid to contractors for damages on the said canal under the act of the general assembly, approved February 21, 1843, and when paid, shall be in full satisfaction of the judgment rendered in the Cook county court in favor of said George Steel. The scrip to be issued pursuant to this act shall be entitled to all of the privileges conferred by law upon other scrips issued for the like purposes. In canal scrip.

APPROVED February 10, 1849.

AN ACT to authorise the governor to issue canal indebtedness to James H. Collins and Hugh T. Dickey. In force April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the governor be authorised to issue canal indebtedness to James H. Collins and Hugh T. Dickey, for the use and benefit of John T. Roberts, David L. Roberts and the representatives of John Bracker, deceased, for the sum of ten thousand three hundred and eighty-five dollars and thirty-six cents, being the balance of the award made by Silas W. Sherman, Peter Page, and James L. Loop, canal appraisers, in the matter of the application of John Bracker, together with the interest thereon from the first day of August, one thousand eight hundred and forty-three. Said canal indebtedness to be of the same character and description as that heretofore issued to contractors in like cases. Governor authorised to issue canal indebtedness.

§ 2. That the governor be, and he is hereby, authorised to issue and pay in canal indebtedness, as aforesaid, the sum of twenty-five dollars to each of said appraisers, as a compensation for appraising said damages. To pay appraisers.

APPROVED February 10, 1849.

In force
April 13, 1849.

AN ACT for the incorporation of institutions of learning.

How to organ-
ise.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That any five or more persons being desirous of associating themselves for the purpose of establishing an institution of learning, may make, sign and acknowledge before any officer authorised to take the acknowledgment of deeds in this state, and file in the office of the secretary of state, and also in the office of the recorder of the county in which said institution is to be established, a certificate or declaration in writing, in which shall be stated the name or title by which such institution shall be known to law, the number of trustees, directors or managers, and their names, the particular branches of literature and science, or either of them, proposed to be taught, and if said institution is to be of the rank of a college or university, the number and designation of the professorships to be established.

To be a body
politic.

§ 2. Upon filing the said certificate as aforesaid, the person who shall have signed and acknowledged the same, and their successors, shall, by virtue of the provisions of this act, be a body politic and corporate, by the name and style stated in such certificate, and by that name and style shall have perpetual succession, with power to sue and be sued, pleaded and be impleaded, to acquire, hold and convey property in all lawful ways, to have and use a common seal, and the same to alter and change at pleasure, to make and alter from time to time such by-laws, not inconsistent with the constitution of this state and of the United States, as they may deem necessary for the government of said institution, and to confer upon such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

Power to fill
vacancies.

§ 3. Any corporation so formed as aforesaid shall have power to fill such vacancies in their own body as may happen by death, resignation or otherwise, and shall hold the property of said institution solely for the purposes of education, and not for the individual benefit of themselves or of any contributor to the endowment of the same.

To hold prop-
erty.

§ 4. Any corporation formed in accordance with the provisions of this act shall be competent in law and equity to take to themselves, in their corporate name, real, personal or mixed property, by gift, grant, bargain and sale, conveyance, will, devise or bequest, of any person or persons whomsoever, and the same estate to grant, bargain, sell, convey, demise, let, place out at any interest, or otherwise dispose of the same, for the use of said institution, in such manner as shall seem most beneficial thereto.

Duty of trus-
tees.

§ 5. The trustees, directors or managers of any corporation formed under this act shall faithfully apply all the funds collected, or the proceeds of the property belonging to said institution, according to their best judgment, in erecting and completing suitable buildings, supporting necessary officers, instructors and servants, and procuring books, maps, charts, globes and philosophical, chemical and other apparatus necessary to the success of said institution.

In case of do-
nation or be-
quest.

§ 6. In case any donation, devise or bequest shall be made for particular purposes accordant with the designs of the institution so established as aforesaid, and the corporation shall accept the same, such donation, devise or bequest shall be applied in conformity with the express conditions of the donor or deviser.

§ 7. No corporation established as aforesaid shall be allowed to hold more than one thousand acres of land at any one time, unless the said corporation shall have received the same by gift, grant, or devise, and in such case, such corporation shall be required to sell or dispose of the same within ten years from the time the title thereto is acquired; and on failure so to dispose of the same, said land, over and above one thousand acres, shall revert to the original donor, grantor, deviser, or their heirs.

To hold only
one thousand
acres of land.

§ 8. Corporations formed under this act shall have power to employ and appoint a president or principal for each institution, and all such professors or servants as may be necessary, and shall have power to displace any of them as the interest of the institution requires; to fill vacancies which may happen by death, resignation or otherwise, among said officers or servants, and to prescribe and direct the course of studies to be pursued in said institution.

To appoint a
principal.

§ 9. Any corporation so established as aforesaid may require the treasurer of said institution, and all other agents thereof, before entering upon the duties of their appointment, to give bonds for the security of said corporation in such sums and with such sureties as shall be deemed proper and sufficient.

Treasurer to
give bond.

§ 10. All process against any corporation established under this act shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president or treasurer, at least sixty days before the return day thereof.

Process.

§ 11. It shall be the duty of the trustees of any institution created under this act, or a majority of them, on or before the first Monday of January in each year, to file in the office of secretary of state, and in the recorder's office of the county where the original certificate is filed, a statement of the trustees and officers of said institution, with an inventory of its property and liabilities, the number of students, and such other information as will exhibit its condition and operations.

Duty of trustees.

§ 12. In case any corporation created under this act shall at any time violate or fail to comply with any of the foregoing provisions, upon complaint being made to the circuit court of the county in which the same is situated, a writ of *scire facias* shall issue, and the circuit attorney shall prosecute in behalf of the people, for a forfeiture of all rights and privileges secured by this act to such corporation.

Forfeiture of
rights.

APPROVED January 26, 1849.

AN ACT to authorise the formation of corporations for manufacturing, agricultural, mining, or mechanical purposes.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That at any time hereafter, any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, or mechanical business, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk in the county in which the busi-

Persons may
form a com-
pany.

Power of com-
pany.

ness of the company shall be carried on, and a duplicate thereof in the office of the secretary of state, a certificate in writing, in which shall be stated the corporate name of the said company, and the objects for which said company shall be formed, the amount of capital stock of said company, the term of its existence not to exceed — years, the number of shares of which the said stock shall consist, the number of trustees and their names, who shall manage the concerns of said company for the first year, and the name of the town and county in which the operations of said company are to be carried on.

To be a body politic & corporate.

§ 2. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate; and by that name have succession, and be capable of suing and being sued in any court of law or equity in this state; and they and their successors may have a common seal, and make and alter the same at pleasure; and they shall, by their corporate name, be capable in law of purchasing, holding, and conveying any real or personal estate whatever, which may be necessary to enable the said company to carry on their operations named in such certificate, but shall not mortgage the same, or give any lien thereon.

Business, how managed.

§ 3. The stock, property, and concerns of such company shall be managed by not less than three nor more than nine trustees, who shall respectively be stockholders, and a majority of whom shall be citizens of this state, who shall, except for the first year, be annually elected by the stockholders, at such time and place as shall be determined by the by-laws of the company; and public notice of the time and place of holding such election shall be published, not less than thirty days previous thereto, in the newspaper printed nearest to the place where the operations of the said company shall be carried on; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in said company, and the persons receiving the greatest number of votes shall be trustees; and when any vacancy shall happen among the trustees, by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the said company.

Elections to be by ballot.

In case of failure to elect trustees.

§ 4. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided for by the said by-laws, and all acts of trustees shall be valid and binding as against said company, until their successors shall be elected.

Shall be president.

§ 5. There shall be a president of the company, who shall be designated from the number of the trustees, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require.

To give bond.

§ 6. It shall be lawful for the trustees to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or instalments as the trustees [shall] deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand or a notice requiring such payment shall have been published for six successive weeks, in the newspaper nearest to the place where the business of the company shall be carried on as aforesaid.

Power of trustees to call in payments.

§ 7. The trustees of such company shall have power to make such prudential by-laws as they shall deem proper for the management and disposition of the stock and business affairs of such company, not inconsistent with the constitution and laws of this state, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

Prudential provisions.

§ 8. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds in the purchase of any stock in any other corporation.

Stock personal estate.

§ 9. The copy of any certificate of incorporation, filed in pursuance of this act, certified by the county clerk or his deputy, to be a true copy, and of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

Legal evidence.

§ 10. All the stockholders of every company incorporated under this act shall be severally individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded as is prescribed in the following section; and the capital stock, so fixed and limited shall all be paid in, one-half within one year, and the other half thereof within two years from the incorporation of said company, or such corporation shall be dissolved.

Stockholders liable.

§ 11. The president and a majority of the trustees, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn to by the president and a majority of the trustees; and they shall, within the said thirty days, record the same in the office of the county clerk of the county wherein the business of said company is carried on.

Duty of president and trustees.

§ 12. Every such company shall annually, within twenty days from the first of January, make a report, which shall be published in the newspaper published nearest the place where the business of said company is carried on, which shall state the amount of capital, and of the proportion actually paid, and the amount of its

To report, and publish same.

existing debts; which report shall be signed by the president and a majority of the trustees, and shall be verified by the oath of the president or secretary of said company, and filed in the office of the clerk of the county where the business of the company shall be carried on; and if any of said companies shall fail so to do, all the trustees of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made.

No dividend in case of insolvency.

§ 13. If the trustees of any such company shall declare and pay any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, while they shall respectively continue in office; *Provided*, that if any of the trustees shall object to the declaring of such dividend, or to the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objection in writing with the secretary of the company and with the clerk of the county, they shall be exempt from the said liability.

Proviso.

Nothing but money rec'd of stockholders.

§ 14. Nothing but money shall be considered as payment of any part of the capital stock, and no loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted while they are stockholders or officers thereof.

Penalty of officers.

Stockholders liable for a false report.

§ 15. If any certificate or report made, or public notice given, by the officers of any company, in pursuance of the provisions of this act, should be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company, contracted while they are stockholders or officers thereof.

Exec'rs, guardians, and cestui que trust not personally liable on stock held as such.

§ 16. No person holding stock in any such company, as executor, administrator, guardian, or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been, if he had been living and competent to act, and held the stock in his own name.

Who may vote as stockholders.

§ 17. Every such executor, administrator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a stockholder, and every person who shall pledge his stock as aforesaid, may, nevertheless, represent the same at all such meetings, and may vote accordingly as a stockholder.

Liability of stockholders.

§ 18. The stockholders of any company organised under the provisions of this act shall jointly, severally, and individually be liable for all debts that may be due and owing to all their laborers, servants, and apprentices, for services performed for such corporation.

§ 19. Any corporation or company heretofore formed, by special act or under the general law, and now existing for any manufacturing, agricultural, mining, or mechanical purposes, or any company which may be formed under this act, may increase or diminish its capital stock by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other manufacturing, mining, or mechanical business, subject to the provisions and liabilities of this act. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of the capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital; and any existing company heretofore formed may come under and avail itself of the privileges and provisions of this act, by complying with the following provisions, and thereupon such company, its officers and stockholders, shall be subject to all the restrictions, duties, and liabilities of this act.

Other companies may conform to this law.

Conditions.

§ 20. Whenever any company shall desire to call a meeting of the stockholders, for the purpose of availing itself of the privileges and provisions of this act, or for increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the trustees or directors to publish a notice, signed by a majority of them, in the nearest newspaper, (in the county, if there be one published therein,) at least three successive weeks, and to deposite a notice thereof in the post office, addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, and the time and place when and where such meeting shall be held; and a vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of its capital stock, or the extension or change of its business as aforesaid, or to enable a company to avail itself of the provisions of this act.

Proceedings in organising under this act.

§ 21. If at any time and place specified in the notice provided for in the preceding section, stockholders shall appear by proxy or in person, representing not less than two-thirds of all the shares of stock of the corporation, they shall organise and proceed to a vote of those present, in person or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes are in favor of increasing or diminishing the amount of capital, or extending or changing its business as aforesaid, or for availing itself of the privileges and provisions of this act, a certificate of the proceedings, showing a compliance with the provisions of this act, the amount of capital actually paid in the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman, and be countersigned by the secretary; and such certificate shall be acknowledged by the chairman, and filed as required by the first section of this act, and when so filed the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, and the company shall be

Two-thirds of the shares to be represented.

entitled to the privileges and provisions and be subject to the liabilities of this act.

Liability in case indebtedness exceeds am't capital stock. § 22. If the indebtedness of any company organised under this act shall at any time exceed the amount of its capital stock, the trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of the company.

Stockholders personally liable for debts. § 23. No stockholder shall be personally liable for the payment of any debt contracted by any company formed under this act, which is not paid within one year from the time the debt becomes due, unless a suit, for the collection of such debt, shall be brought against such company, within one year after the debt became due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in any such company, for any debt contracted by said company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Duty of trustees. § 24. It shall be the duty of the trustees of every corporation formed under this act, to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons, alphabetically arranged, who are or shall, within six years, have been stockholders of such company, and showing their place of residence, the numbers of shares of stock held by them respectively, the time when they became owners of such shares, and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every business day, be open for inspection of stockholders and creditors of the company, and their personal representatives, at the office or principal place of business of such company, in the county where its business operations shall be located; and any and every such stockholder, creditor, or representative, shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purposes whatsoever except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this act, until it shall have been entered therein, as required by this section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of such company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or to allow the same to be inspected, and extracts to be taken therefrom, as hereinbefore provided, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for any such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit to the people the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people, in the circuit court of the county in which the business of such corporation shall be located; and when so recovered the amount shall be paid into the treasury of such county, for the use thereof.

Keep books.

Access to books of company.

Transfer of stock.

Officer guilty of misdemeanor.

Penalty.

Fine, how appropriated.

Legislature may alter, amend, or repeal. § 25. The legislature may at any time alter, amend, or repeal this act, saving and preserving all rights which may become vested under the same, and may amend or repeal any incorporation formed

or created under this act, for any violation of the provisions of this act, or any act amendatory of the same; but such amendment or repeal shall not, nor shall the dissolution of any company formed under this act, take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Repeal not to
impair rights
acquired.

APPROVED February 10, 1849.

AN ACT in relation to the State Hospital for the Insane, and the Deaf and Dumb Asylum.

In force
Feb. 3, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the special tax required to be assessed and collected by the act to establish the Illinois Hospital for the Insane, for three years, shall be assessed and collected for one year in addition to the said three years, and the proceeds of the tax for four years shall be applied to the erection of buildings and improvement of grounds. Hereafter the report of the trustees of said hospital shall be made on or before the second Monday of each session of the general assembly, and the money appropriated shall be paid to the said trustees, notwithstanding their failure to report on the first day of the present session of the general assembly.

Tax extended
for insane
hospital.

Report of trustees.

§ 2. The term of office of the president and directors of the Deaf and Dumb Asylum shall be, and it is hereby, limited to two years. The directors now in office shall continue in office until the governor, by and with the advice and consent of the senate, shall appoint others. And it shall be the duty of the governor, by and with the advice and consent of the senate, immediately after the passage of his act, to appoint twelve directors for said institution, and after which appointment the number of directors shall be twelve, exclusive of the principal, who shall continue to be a member of the board, *ex officio*. And the governor shall biennially hereafter, by and with the advice and consent of the senate as aforesaid, appoint twelve directors for said institution, and the board of directors shall have the power, from time to time, to fill vacancies that may happen by death, resignation, or otherwise, in their own body, between the biennial appointments made by the governor. The board organized under the provisions of this act shall have all the powers, act under the same responsibilities, and perform the duties of the present board. The name of the institution shall be changed to be "Illinois Institution for the education of the deaf and dumb."

Deaf and dumb
asylum, term
of office of di-
rectors & trus-
tees.

Governor to ap-
point.

Ev'ry two years

Name of the in-
stitution.

§ 3. All the deaf and dumb residing in this state, of suitable age and capacity to receive instruction, shall be admitted into and enjoy the benefits of said institution without charge.

Deaf and dumb
citizens to be
received.

§ 4. The board shall hereafter meet annually, (in addition to other necessary meetings) at the institution, not exceeding five days before the termination of the academic year.

Meet'g of board

§ 5. That to defray the ordinary expenses of the institution for the year one thousand eight hundred and forty-nine, the sum of five thousand three hundred and sixty-seven dollars and fifty cents

Amount appro-
priated.

is hereby appropriated to the institution for the education of the deaf and dumb, payable out of any money in the treasury not otherwise appropriated; and in addition to the appropriations already provided for, the sum of five thousand three hundred and sixty-seven dollars and fifty cents is hereby appropriated for the year one thousand eight hundred and fifty, payable on the first of January of that year, out of any money in the treasury not otherwise appropriated. The directors are required to pay all the debts of the institution during the next two years, out of any money payable during that period, and they are expressly prohibited from borrowing money under any pretext whatever.

Directors to
pay all debts.

To purchase
land.

To build work-
shops and out-
buildings.

\$10,000 appro-
priated to en-
large buildings

§ 6. The following amounts are hereby appropriated, and shall be paid to the said president and directors, out of any money in the treasury not otherwise appropriated, for the purposes specified; viz: for the purchase of twenty acres of land adjoining the land now owned by the institution, sixteen hundred dollars;

For the building of work-shops, and purchase of lumber to be used therein, fifteen hundred dollars;

For building a smoke-house, wood-house, and two porches, six hundred dollars; for supplying such indigent deaf and dumb pupils as may be destitute in that respect, with clothing, three hundred dollars.

§ 7. That to enable the said president and directors to erect an additional building, so as to accommodate the increased number of pupils expected to be received, the sum of five thousand dollars is appropriated, payable on the first of October, one thousand eight hundred and forty-nine, and five thousand dollars payable on the first of July, one thousand eight hundred and fifty, out of any money in the treasury not otherwise appropriated.

This act shall be in force from and after the passage thereof.

APPROVED February 3, 1849.

In force
April 13, 1849.

AN ACT in relation to a certain book, entitled "A compilation of all the general laws concerning real estate and the title thereto in the state of Illinois, including all such laws as relate to descents, limitations, judgments, and executions, partitions, dower, conveyance, and revenue, from the organization of the government of the territory north-west of the Ohio to the present time; by N. H. Purple, late one of the justices of the supreme court of the state of Illinois; December, 1848."

Secretary state
to rec. books.

To give certi-
cate.

Auditor to pay.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That upon the delivery to him of two hundred and fifty copies of the work in the title of this act mentioned, the secretary of state shall give to N. H. Purple, the compiler of the same, or to his order, a certificate that the said number of copies of said work has been so delivered.

§ 2. That on the presentation of the said certificate to the auditor of public accounts, he shall draw his warrant on the treasurer for such sum as the said two hundred and fifty volumes shall amount to, at the price for which the said books shall be sold to individuals; *Provided*, the same shall not exceed three dollars per volume.

§ 3. The secretary of state shall distribute the said books in the manner following, to wit: one copy to each of the judges of the supreme and circuit courts of this state, one copy to each of the state's attorneys, one copy to each clerk of each court of record in this state, one copy to each county judge, and one copy to each executive officer of this state, who is required to keep his office at the seat of government; and shall also deliver five copies to each clerk of each division of the supreme court of this state, for the use of the said court; and the residue of the said five [three] hundred copies, he shall retain in his office for the use of the state.

Books, how distributed.

§ 4. The secretary may give his certificate, and thereupon the auditor may draw his warrant on the treasurer for any number of copies less than five [three] hundred, as fast as the same may be delivered at and for the price above mentioned.

May pay for books as fast as received.

§ 5. The several acts and parts of acts compiled and copied in said book, shall be deemed and taken in all courts of justice in this state *prima facie* evidence of what the law was at the several times when by the dates therein contained they purport to have been passed, and for the period of time which by the dates therein contained they purport to have continued unrepealed; unless it shall be made to appear that some error has been committed in the date or compilation of the said acts, or some one of them; and in case an error or errors as aforesaid shall be made to appear in some one or more of the said act or acts as aforesaid, the same shall in no way affect as evidence the residue of the said work.

Contents of books declared to be legal evidence.

APPROVED February 10, 1849.

AN ACT to provide for copying and distributing the laws and journals, and for other purposes.

In force Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That it shall be the duty of the secretary of state, within five days after the passage of this act, to cause an advertisement to be published in each of the newspapers printed in the city of Springfield, inviting proposals for copying the laws and joint resolutions of the present general assembly; said proposals to be delivered to the secretary of state within ten days after the date of the first advertisement, which shall designate the time and place of opening proposals; and the said proposals shall embrace the copying of the laws of the present general assembly, and be accompanied by a specimen of the hand-writing (of at least ten lines in quantity) of the person proposing to do said copying, and shall also contain the names of two persons offered as security for the faithful performance of said contract. The person entering into contract for said copying shall be required to return said laws, within thirty days after the adjournment of the legislature, together with the copies of the same, properly arranged, to the secretary of state, whose duty it shall be to file the originals in his office, and furnish said copies to the printer.

Secretary state to advertise for proposals.

To copy laws, journals, &c.

§ 2. At the time designated in said advertisement, the secretary of state shall open the proposals received by him, in the presence of such persons as may desire to witness the same, and shall give

To open proposals.

the contract to the lowest competent responsible bidder, who shall be required, within two days after the opening of said proposals, to file a good and sufficient bond, with security, to be approved by the governor, in the sum of one thousand dollars, for the faithful performance of said contract.

Advertisement
for copying
acts, &c., of
legislature.

§ 3. Within thirty days previous to the meeting of any future general assembly, the secretary of state shall cause an advertisement to be published in at least six of the newspapers printed in this state, inviting proposals for copying the laws, joint resolutions, and journals, of the general assembly. The advertisement shall be published at least three weeks, and designate the time and place when proposals will be examined; said proposals to be delivered to the secretary of state within twenty days from the date of the first advertisement. Proposals shall be examined, and the contract given in the manner and form prescribed in the second section of this act, and shall state specifically the price at which it is proposed to do said copying of the laws, journals, and joint resolutions; which price shall not exceed the sum of twenty cents for each and every one hundred words.

Furnish book
for journals
of legislature.

§ 4. The secretary of state shall be required to furnish a well bound book, in which the journals shall be copied; and shall also furnish the stationery necessarily used in copying the laws. In case the person contracting for said copying shall fail to comply with his contract, by neglect to enter into bond within the time prescribed, the secretary of state shall cause the same to be done by some competent person, who shall receive for his services a compensation not exceeding the sum of twenty cents for each and every one hundred words.

Advertisement
for distribu-
ting laws, &c.

§ 5. Within twenty days after the adjournment of the present or any future session of the general assembly, the secretary of state shall cause an advertisement to be published in six of the newspapers printed in this state, inviting proposals for distributing the laws, journals, and reports, and any other matter that the legislature shall designate, to the several counties in this state. Said distribution to be in districts of not less than ten counties each, to be designated in said advertisement, and in such manner, and within such time, as shall be therein specified. Said advertisement to be published at least three weeks, and to name the time and place where said proposals will be opened and decided upon.

To open propo-
sals, &c.

§ 6. At the time and place specified in said advertisement, the secretary of state shall open the proposals filed in his office for the distribution aforesaid, in the presence of all persons who may desire to witness the same, and shall give said contracts to the lowest competent responsible bidder; who shall, within three days thereafter, file a good and sufficient bond, with satisfactory security to be approved by the governor, for the faithful performance of said contract. In case of failure to enter into a bond as aforesaid, or to perform said contract, the secretary of state shall cause the laws, journals, and reports to be distributed by some competent person. The compensation for distributing the laws, journals, and reports shall in no case exceed the sum heretofore allowed by the state for similar services.

To advertise
for fuel.

§ 7. It shall be the duty of the secretary of state, on or before the first day of July in each year, to cause an advertisement to be published in the newspapers published in Springfield, for propo-

sals for furnishing the necessary fuel for the use of the state during the next ensuing winter; the quantity and quality of the same to be designated in said advertisement; and at the time and place specified, said proposals shall be opened in public, and the contract be given to the lowest responsible bidder or bidders, who shall, within two days, enter into bond, with satisfactory security, for the prompt and faithful delivery of said fuel, according to the terms of the contract. In case of failure to comply with said contract, the secretary of state shall cause said fuel to be supplied without delay; *Provided*, that in no case shall there be allowed a higher price for said fuel, per cord, than has heretofore been paid by the state.

§ 8. It shall be the duty of the secretary of state, within six months previous to the meeting of any future general assembly, to cause an advertisement to be published in three of the newspapers printed in this state, and in one of the newspapers printed in St. Louis, New York and Boston, for proposals to furnish all stationery necessary for the use of the general assembly, and the several departments of state; the articles of the stationery to be designated in said advertisements; and the proposals to be accompanied by specimens of the articles proposed to be furnished, with the price charged for each article. All of said articles shall be delivered at the office of the secretary of state, in Springfield, at a time to be specified in said advertisement; the advertisement to be published not less than three weeks, and to designate the time and place of opening and examining said proposals. On the day named in the said advertisement, the secretary of state shall open the proposals in public, and contract with the lowest responsible bidder or bidders for the prompt delivery of all the articles of stationery necessary for the use of the state. A good and sufficient bond, for the faithful performance of the contract, shall be filed in the office of the secretary of state within three days after the proposals shall have been decided upon. In case of failure to deliver said articles of stationery according to the terms of the contract, and of the quality of the specimens accompanying the proposals, the secretary of state shall cause the same to be furnished and paid for as formerly; *Provided*, that the prices allowed for any of the articles enumerated in said advertisement shall in no case exceed the prices which have been heretofore paid by the state for similar articles furnished for the use of the general assembly.

To adv'tise for stationery for use of legislature.

§ 9. The binding of the laws, journals and reports of the general assembly shall be given out by contract, to the lowest responsible bidder, at the time and in the manner and form prescribed in the eighty-fourth chapter of the revised statutes. Said binding shall be done at prices not exceeding those now allowed by law.

Do. for binding laws, &c. &c.

§ 10. In case of failure to file proposals under the provisions of this act, or in case any person or persons entering into contract shall fail to comply faithfully and promptly with the terms of said contract and proposals, it shall be the duty of the secretary of state to cause the articles to be supplied, or the services performed without unnecessary delay, as nearly as possible within the time and in the manner prescribed by law, and at prices not exceeding those specified in this act. And when said articles are delivered, or the services completed, to the satisfaction of the secretary of state, he

In case of failure, secretary state to employ, or furnish same.

shall certify the amount due the persons furnishing or performing the same. Upon the presentation of such certificate, approved by the governor, the auditor of public accounts shall draw his warrant upon the treasurer for the amount due said person or persons as certified as aforesaid. All advertisements for proposals of any kind shall be paid for out of the public treasury, upon the warrant of the auditor of public accounts.

This act to take effect from and after its passage.

APPROVED February 12, 1849.

In force Janu-
ary 30, 1849.

AN ACT to amend the interest laws of this state.

Intst allowed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That from and after the passage of this act, money may be loaned at such rate of interest, not exceeding ten per cent. per annum on each hundred dollars, as the parties may agree upon; any thing in the laws of this state to the contrary notwithstanding.

On money loan-
ed.

§ 2. In the trial of any action brought upon a promissory note or writing obligatory in any of the courts of this state, wherein is reserved a higher rate of interest than six per cent. per annum, it shall be lawful for the defendant to set up and plead, as a defence in any such suit, that the consideration of said note or writing obligatory, upon which such suit is brought, was not "money loaned," upon which issue it shall be lawful for the debtor, the creditor being alive, to become a witness, and his testimony shall be received as evidence; and the creditor, if he shall offer his testimony, shall be received as a witness, together with any other legal evidence that may be introduced by either party; and if upon the trial of the said issue it shall be found that the said note or writing obligatory, upon which such suit is brought, was not given for money loaned, then the said court shall render judgment for the principal sum in the said promissory note or writing obligatory, and six per cent. interest thereon.

APPROVED Janary 30, 1849.

In force
April 13, 1849.

AN ACT to increase the state library.

SECTION I. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the sum of five hundred dollars is hereby appropriated, to be expended under the direction of the justices of the supreme court, in the purchase of books for the supreme court, at the seat of government.

APPROVED February 8, 1849.

AN ACT for the security of personal liberty.

In force
Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That all public officers, sheriffs, coroners, jailors, constables, or other officers or persons having the custody of any person committed, imprisoned, or restrained of his liberty, for any alleged cause whatever, shall, except in cases of imminent danger of escape, admit any practising attorney at law of this state, whom such person so restrained of his liberty may desire to see or consult, to see and consult such person so imprisoned, alone and in private, at the jail or other place of custody; and when any such prisoner is about to be removed beyond the limits of this state, by any person or public officer, under any pretence whatever, he or she shall at all times be entitled to reasonable delay for the purpose of obtaining counsel, and of availing himself or herself of the laws of this state, for the security of personal liberty.

§ 2. If any public officer or other person aforesaid shall violate the provisions of this act, he shall, for every such offence, forfeit and pay to the person aggrieved one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction.

§ 3. This act to take effect from and after its passage.

APPROVED February 12, 1849.

AN ACT to cede jurisdiction to the United States over lands to be occupied as sites of light-houses within this state.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That jurisdiction is hereby ceded to the United States over so much land as may be necessary for the construction and maintenance of light-houses within this state, not to exceed ten acres of land for each; the same to be selected by an authorised officer of the United States, approved by the governor, and the boundaries of the land selected, with such approval endorsed thereon, and a map thereof being filed in the office of the secretary of state of this state, and by him recorded; *Condition.* *Provided, always,* and the assent aforesaid is granted upon this express condition, that this state shall retain a concurrent jurisdiction with the United States in and over the several tracts aforesaid, so far as that all civil and such criminal process as may issue under authority of this state, against any person or persons charged with crimes committed without the bounds of said tract, may be executed therein in the same manner as though this assent had not been granted.

§ 2. That the foregoing shall be applicable only to such land as shall be selected and approved as aforesaid, and a survey thereof filed and recorded as above provided, for the construction of the following light-houses, to wit—at Chicago, at Littlefort, at the mouth of the Calumet river, in Cook county.

APPROVED January 11, 1849.

In force
Jan. 25, 1849.

AN ACT to legalise the acts of certain officers therein named.

Preamble.

WHEREAS, it appears from the certificate of William Preston, clerk of the county commissioners' court in and for the county of Stephenson, and state of Illinois, that John Howe was duly elected a probate justice of the peace in and for the county of Stephenson, on the second day of August, A. D. 1847, and that Isaac Bectol and Philip Fowler, Julius Smith and James J. Rodgers were elected justices of the peace in and for said county of Stephenson, on the same day, to wit, on the second day of August, 1847; that the said above named persons filed their official bonds as required by law, and that the same were duly approved; but that the said above named persons did not take the oath of office respectively until after the expiration of twenty days from and after the date of their election; therefore,

Probate justice
of Stephenson
county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the official acts of John Howe, as probate justice of the peace in and for the county of Stephenson, and of Isaac Bectol, Philip Fowler, Julius Smith, and James J. Rodgers, respectively, as justices of the peace in and for the county aforesaid, are hereby rendered and declared as legal in all respects as though the said persons had severally taken and subscribed the oaths of office required of them by law, within the space of twenty days from and after the date of their election, and that the said persons are hereby declared duly qualified to serve in the various offices to which they have been respectively elected.

Acts legalised.

§ 2. This act to take effect from and after its passage.

APPROVED January 25, 1849.

In force
April 13, 1849.

AN ACT authorising the resignation of certain officers.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That any executor or executrix, administrator or administratrix, or guardian testamentary, or by appointment of a probate court, may resign in writing, to the probate court having settlement or adjustment of his, her, or their accounts, his, her, or their office or offices; and when such resignation is accepted by such court, the person or persons so resigning shall be discharged from the further exercise of his, her, or their office or offices; *Provided, always,* that the acceptance of such resignation shall be by a written order of said court, and shall not be construed to exonerate any executor or executrix, administrator or administratrix, or guardian, or his, her, or their executors, from liabilities incurred previous to such acceptance; and no such resignation shall be accepted until such administrator or administratrix, executor or executrix, or guardian, shall have given notice of such intention by publication, as required in cases of final settlement, and shall make and render a complete settlement of all matters in his hands as such administrator or administratrix, executor or executrix, or guardian, up to the time of his or her resignation, and shall deliver into court all evidences of property, papers, money, and choses in action, in his or her hands.

APPROVED February 10, 1849.

AN ACT to provide for improvements to the penitentiary.

In force
Feb. 8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That it shall be the duty of inspectors of the penitentiary in this state to proceed, as soon as practicable, to purchase in the name of the people of the state, a certain tract of land, consisting of five lots in Alton, lying on the north side of Wall street and on the west side of William street, being originally a portion of the penitentiary grounds, being numbered lots forty-five, forty-six, forty-seven, forty-eight, and forty-nine, as per plat of Alton; *Provided,* said inspectors shall not pay over the sum of two thousand two hundred dollars for said lots of land.

Inspectors to
purchase lots.

§ 2. The said inspectors shall take and have properly executed and recorded a deed in favor of the state of Illinois, in fee simple, for said lots when purchased as aforesaid.

Take deed.

§ 3. Said inspectors shall have power, and are hereby authorised, to sell and dispose of, to the highest and best bidder, for cash or on credit, as they deem proper, the gore or tract of land lying on the south side of Second or Short street, being a part of the wharfage ground belonging to said penitentiary; *Provided,* the same shall not be sold for less than the value set upon it by the said inspectors. The governor is hereby authorised to make out a patent to the purchaser or purchasers thereof, upon being satisfied from the certificate of the said inspectors, or a majority thereof, of the payment of the money as agreed upon.

To sell lots.

§ 4. *Be it further enacted,* That the inspectors of the prison be authorised, and the same are hereby authorised, to contract with the present warden for the erection of a wall, commencing at the north-east corner of the penitentiary yard, running north one hundred and sixty-three feet, thence west three hundred and thirty feet, thence south one hundred and sixty-three feet, to the north-west corner of aforesaid yard; the said wall to be thirty feet high and three and a half feet thick on an average, lattering from bottom to the top, the foundation of which shall be sunk three feet below the level of the grade of [the] prison yard, and securely bound together by regular bands running through said wall, and thoroughly grouted, so as to make it permanent and secure. The said wall shall be examined by three competent mechanics, whose decision shall be in accordance with this act; and if said appraisers shall decide that said wall is not in accordance with this act, then they shall state the amount which shall be deducted from the price as allowed by this act.

To contract for
building wall.

§ 5. *Be it further enacted,* That the inspectors be, and the same are hereby, authorised to pay for the above named wall the sum of one dollar and twenty-five cents for every perch, to be paid out of rent of prison; and if said appraisers shall estimate the work below the sum named in this act, then such amount of appraisal shall be allowed, and no more.

Price of same.

§ 6. *Be it further enacted,* That the inspectors be, and the same are hereby, authorised to pay the sum of one hundred and fifty dollars to the warden of the prison, for the building a wall in front of the prison, three hundred and thirty feet long, five high, and two thick—which shall be a good, firm wall; the same to be paid out of the rents of prison.

Appropriation
for wall in
front of pris-
on.

§ 7. *Be it further enacted,* That the inspectors be, and are hereby, authorised to extend the lease until the improvements contem-

Lease to be ex-
tended.

plated in this act shall be paid for ; *Provided, nevertheless*, that the time of lease shall not extend over one year beyond the present lease.

Duty of inspectors.

§ 8. *Be it further enacted*, That should the lease be extended the above named one year, the inspectors shall be, and are hereby, authorised to pay the balance in their hands to the contingent expenses as the condition of the prison may require.

Governor to appoint chaplain.

§ 9. *Be it further enacted*, That the governor be, and hereby is, authorised to appoint some suitable person as chaplain, who shall be paid from rents of said prison, as is now provided for by law.

Duty of chaplain.

§ 10. *Be it further enacted*, That the chaplain shall not pass any letters, or other communication, to or from the prison, without the advice or consent of the warden of the prison.

§ 11. *Be it further enacted*, That this act be in full force and effect from and after its passage.

APPROVED February 8, 1849.

In force
April 13, 1849.

AN ACT amendatory to the practice act.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That in all actions of replevin, and in all actions which have been or may be commenced to perfect a distress for rent in any of the courts of this state, when the defendant or defendants shall have left the state, or cannot be found, they shall have further notice, by advertisement, as provided in section eight, of chapter twenty-one of the revised laws of the state of Illinois, of A. D. 1845; and, after such advertisement, the court shall proceed to act in the premises as though the parties had been duly served with summons, or had been notified by their proper names; and in all cases of appeal from the judgment of a justice of the peace, where summons and alias summons have been duly issued against the appellee, and returned without being duly served, it shall be lawful for the circuit court to proceed and try said appeal as if the said appellee had been duly served with process.

APPROVED February 10, 1849.

In force Feb.
12, 1849.

AN ACT granting certain pre-emptions therein named.

Preamble.

WHEREAS, in March, 1846, Stephen Dexter, of Cook county, in the state of Illinois, entered and settled upon the north-west quarter of section thirty, (30) in township forty-two (42) north, of range ten (10) east of the third principal meridian, in said Cook county; and whereas, Ebenezer W. Covey, of said Cook county, in October, 1846, entered and settled upon the west half of the south-east quarter of section thirty, (30) in township forty-two (42) north, range ten (10) east, in said Cook county, and on the east half of

the south-west quarter of the same section, township, and range; and whereas, at the time of the settlement aforesaid, said Dexter and said Covey supposed said lands were United States government lands; and whereas, they have respectively made valuable improvements on said lands since their said settlement; and whereas, further, John Nilson, of Iroquois county, in said state, did, in the year 1834, enter in the Danville land office, lot number five, of the north-west quarter of section three, (3) in township twenty-five (25) north, of range twelve (12) west, containing eighty acres; also the north half of lot four, (4) of the north-west quarter of the same section last aforesaid, in the township last aforesaid, containing forty acres; also the south half of lot four, (4) of the north-west quarter of the same section, in the same town and range last aforesaid; also the east half of lot six, (6) of the same section, in the same town and range last aforesaid, all in said Iroquois county, on which lands have since been made valuable improvements by said Nilson; and whereas, the said Nilson at the time of his said settlement and improvement, supposed said lands were United States government lands; and whereas, all the said lands above described have been acquired by and now belong to the state of Illinois; and whereas, the west half of the north-west quarter of section eleven, (11) in township thirty-five (35) north of range ten (10) east, in Will county, in said state, was canal land, but is not included in the deed of cession to the board of trustees of the Illinois and Michigan canal, and has been occupied for many years by Robert Stevens, of said Will county, by whom valuable improvements have been made thereon; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois,* Pre-emption granted by persons named.
represented in the general assembly, That a pre-emption right be, and the same is hereby, granted to the persons respectively named in the preamble to this act, their heirs, assigns, or legal representatives, to purchase from the state, at the appraised value, the said tracts of land in the preamble mentioned; such right to be several and extend in favor of each to the tracts and lots of land so settled on by each.

§ 2. Whenever either of said persons, or in case of the decease of either of them, the lawful representative or representatives of such deceased person, shall pay to the auditor of this state, in internal improvement scrip, the value of such land so settled on by him, at the appraisal thereof, it shall be the duty of the governor of this state, on this fact of payment being certified to him by the auditor, to cause patents to be issued to said persons respectively, according to their rights aforesaid, or to the lawful heirs of such as may be deceased; *Provided*, that this section shall not apply to said Robert Stevens, nor to the tract of land so settled and improved by him. Upon payment of payment to auditor, patent to issue.

§ 3. Said Robert Stevens, on the payment by him to the state trustees of the Illinois and Michigan canal of the amount at which the tract so settled and improved by him has been appraised, in such funds or scrip as were receivable for canal lands before the transfer thereof to said trustees, shall be entitled to a patent from the governor, on the receipt of a certificate of such payment by Robert Stevens to pay canal trustee.

said Stevens. This act shall be construed liberally to effect the objects herein expressed, and shall be in force from and after its passage.

APPROVED February 12, 1849.

In force
Feb. 12, 1849.

AN ACT to grant pre-emption to Christopher C. Venum, Robert Nilson, and Robert Hill.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That Christopher C. Venum, Robert Nilson, and Robert Hill be granted the exclusive right to enter so much of the north-west quarter of section three, in township twenty-five, range twelve west of the second meridian, as they may have purchased of the general government in error, and they may have the right to do so at any time that they may pay one dollar and twenty-five cents per acre into the state treasury. Then the auditor shall issue his deed for the same to the persons entitled thereto.

§ 2. This act to be in force from and after its passage.

APPROVED February 12, 1849.

In force
April 13, 1849.

AN ACT in relation to the public buildings.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the commissioners appointed under the act making appropriations for the completion of the state-house, approved February 16, 1847, are hereby directed to cause to be built convenient and comfortable out-houses, neatly and substantially enclosed, at well and properly selected points at one or both ends of the state-house, as may be deemed of the least injury to the appearance of the capitol and the grounds, to be contracted for under the provisions of the above act; and so soon as the same may be completed, they are further directed to cause the sinks now in use to be entirely filled up and bricked over, so as to completely and permanently abolish the nuisance caused thereby. And the auditor of public accounts is hereby directed to issue his warrant on the treasurer for the sum required by the board to carry out the provisions of this act.

APPROVED February 12, 1849.

In force
April 13, 1849.

AN ACT concerning the public printing.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That it shall be the duty of the secretary of state, within seven days after this act shall take effect, to cause an advertisement to be published in the newspapers printed at Springfield, and in some one of the papers printed at Chicago, Quincy, Shawneetown, and Charleston, giving notice that he will receive sealed proposals for executing the printing of the journals,

reports, and laws, and all other printing ordered by the general assembly; said proposals to be delivered to the secretary of state within thirty days after the date of the first advertisement. In the notice required to be given, the secretary of state shall name the day, and between what hours, the several proposals will be opened.

§ 2. No person, unless he be a resident of the state, shall be permitted to contract for the public printing; and the printing thus contracted for shall be executed within the limits of this state. Contractor resident of state.

§ 3. Each bid shall specifically set forth the price or prices at which it is proposed to do and perform the printing of the laws, journals, and reports, and all other printing that may be ordered by the general assembly of this state, or either branch thereof. And no bid for said printing shall be received or considered unless the same be accompanied by a bond, in the penal sum of ten thousand dollars, with a good and sufficient security, to be approved by the governor, for a faithful performance of said printing in a correct and workmanlike manner. Bids to specify prices.

§ 4. All proposals shall be delivered to the secretary of state sealed, and shall not be opened until the hour of the day designated in his advertisement inviting bids for said printing; which opening of such bids shall be public, in the presence of the governor and auditor of public accounts; at which time those interested in said bids shall be permitted to attend. Such contracts shall be given to the lowest responsible bidder or bidders, whose proposals are the most favorable to the state in all respects, having reference to his or their competency to do and perform the work contracted for; *Provided*, such bids shall not, in any event, exceed the sum or sums allowed for public printing as specified in the eighty-fourth chapter of the revised laws, approved March 3, 1845. Proposals.

§ 5. The contracts entered into under the provisions of this act shall be so drawn as to cover all special sessions of the legislature, if any there should be, and extend until the close of the next biennial regular session of the general assembly; and shall contain all necessary provisions to guard against and prohibit any extra compensation to the successful bidder or bidders, other than the prices specifically agreed to be paid by the terms of said contract. The contracts for printing may include the blanks, certificates, and circulars required by the several departments of the state government in the performance of their public duties; *Provided*, the secretary of state shall be authorised to receive (separate and distinct from other printing) bids for said blanks, certificates, and circulars; and said bids shall be accompanied by a bond of five hundred dollars, to be approved by the governor, for the faithful performance of said contract. Contract, how drawn.

§ 6. The printing of the laws, journals, and reports shall be completed within the time now prescribed by law; and in case of failure to complete the same within such time, the contractor or contractors shall be liable to the penalty provided for in the twenty-fifth section of the eighty-fourth chapter of the revised laws; and the laws, journals, and reports, when printed, shall be delivered to the person or persons authorised to do the binding of the same, without any additional charge or expense to the state. Time of printing.

§ 7. In all cases of failure of any persons making proposals under the provisions of this act to comply with the requirements of the law in the execution of their contract, it shall be the duty of the Failure to comply.

secretary of state to cause the same to be performed without unnecessary delay, and in conformity with the public interests—the same to be well and faithfully performed, as nearly as possible within the time prescribed by law, and at prices not exceeding those specified in the eighty-fourth chapter of the revised laws.

How paid.

§ 8. When the printing of said laws, journals, and reports, and all other printing ordered by the general assembly, shall be completed, as required by this act, the secretary of state shall certify the amount due the contractor or contractors who shall have performed the same; and upon the presentation of such certificate, the auditor of public accounts shall draw his warrant upon the treasurer for the amount due said contractor or contractors, as certified as aforesaid.

§ 9. Until otherwise provided by law there shall be printed for the use of the state, and for distribution to the several counties, two thousand copies of the journals, two thousand copies of the reports, and four thousand copies of the laws of the general assembly.

Present printer

§ 10. The public printer elected at the last session of the general assembly shall be, and he is hereby, authorised to print the journals, reports, and laws, and all other printing ordered by the present general assembly; and for the performance of said work he shall not receive a greater compensation than is allowed by the provisions of the eighty-fourth chapter of the revised laws.

APPROVED February 8, 1849.

In force
April 13, 1849.

AN ACT in relation to the public printing.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That it shall be the duty of the secretary and treasurer of the state, and auditor of public accounts, to make out and complete their reports at least fifteen days before the sitting of the general assembly, and furnish the printer with a copy thereof, who shall print five hundred copies of each report, under the inspection of the officer making the same; and when so printed, the same shall be delivered to the secretary of state on or before the first day of the session, and if the governor shall have prepared his message in time, he may cause three thousand copies to be printed in time to lay the same before the legislature on the first day of the session.

§ 2. The acts passed by the present general assembly shall be bound in half binding, and only five hundred copies of the incorporation and private acts shall be printed; and no reports ordered to be printed shall be included in both the journals and reports.

APPROVED February 12, 1849.

AN ACT authorising the sale of the Quincy House property.

In force
Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the governor of this state be, and he is hereby, authorised to sell to the highest responsible bidder certain property now belonging to this state situated in the town of Quincy, in Adams county, Illinois, called and known as the "Quincy House," together with all the ground, lots, and appurtenances thereunto belonging, and all the furniture and other personal property therein contained and connected with said house.

Gov'nor to sell
Quincy House.

§ 2. It shall be the duty of the governor to advertise said property, and to give notice of said sale, for four months successively previous to said sale in such newspapers in and out of this state as he shall deem necessary and expedient, giving a proper description of the location, situation, and condition of said property, and stating the terms and conditions of said sale, as hereinafter provided.

To advertise.

§ 3. Said property shall be sold for state indebtedness, to the highest and best bidder, to be paid in three equal instalments, the first to be paid on the day of sale, the second in twelve, and the third in twenty-four months thereafter. For the amount of the two last instalments the purchaser shall give his note, with good securities, to be approved by the governor, made payable to the governor, for the use of the people of the state of Illinois.

Sold for state
indebtedness.

§ 4. The governor shall receive written sealed bids for said property from all persons, until the first day of July, A. D. 1849, at which time all the bids received shall be opened and compared by the governor, in presence of the secretary of state and treasurer, who shall then declare the highest responsible bidder to be the purchaser of said property, who shall, upon the payment of the first instalment, receive a certificate of purchase, which shall entitle him or his assigns to a deed for said property upon the payment of the other two instalments.

Receive sealed
bids.

§ 5. The governor is hereby authorised, in his official capacity, to convey by deed, upon the payment of the whole amount of the purchase money, all the right, title, and interest which this state has in and to the above mentioned property, to such purchaser or to his heirs and assigns forever.

Governor to
make deed.

§ 6. It shall be the duty of the governor to have said property properly insured at some responsible fire insurance company, until the title thereto shall pass into other hands under this act; and the expense of such insurance shall be paid to the governor by the person entitled to a deed for said property at the time of the delivery of said deed.

Governor to
cause insu-
rurance.

This act to take effect from and after its passage.

APPROVED February 12, 1849.

AN ACT to legalise the records of the recorder's office in Macoupin county.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That all deeds, mortgages, and other instruments recorded, and all the official business transacted

by the deputy recorder, or the person acting as such, of Macoupin county, and state of Illinois, between the first of May, A. D. 1846, and the first of September, A. D. 1847, shall be legal, valid, and binding, as though done by the recorder in person.

APPROVED January 20, 1849.

In force
Jan. 20, 1849.

AN ACT to authorise certain records to be transcribed.

SECTION 1. *Be it enacted by the people of the state of Illinois,* represented in the general assembly, That permission be granted to the county commissioners' court of the county of Schuyler, or such court as may hereafter succeed said county commissioners' court, and they are hereby authorised and empowered to appoint some competent person as a commissioner for the purpose hereinafter expressed, whose appointment shall be entered upon the records of said court, and who, when appointed, shall take and subscribe an oath faithfully to perform such duties as are required by this act; which oath may be administered and certified by any justice of the peace of said county.

To provide
blank books.

§ 2. It shall be the duty of said court, when they make such appointment, to provide a sufficient number of blank books, substantially bound, and suitable for recording deeds in, which books, when provided, shall be delivered to the aforesaid commissioner, who shall receipt for the same.

Duty of com-
missioner.

§ 3. As soon as such books shall be delivered to said commissioner, he shall record in each book a copy of the order appointing him, and his oath of office, and proceed in due time to all recording offices in this state, where deeds or title papers for lands lying within the said county of Schuyler have been by law required or permitted to be recorded, or where such records may be deposited or kept, and shall, from the books of said offices, make out and record in a fair and legible manner in the books furnished him for that purpose, all deeds and title papers to lands lying in the said county of Schuyler, which have been recorded in any such recording office as aforesaid; after which, said commissioner shall return the books so delivered to him to the recorder of the county of Schuyler, and the said recorder shall make a certificate of the delivery of said books to him at the end of each of them.

Duty of recor-
ders.

§ 4. It shall be the duty of all recorders and other persons who may have the care, custody, or control of any of the books in which deeds and other title papers to lands lying within the county of Schuyler, have been recorded, to permit said commissioner to make transcripts of all and every such deed and title paper, and for that purpose to have access to and the use of the books in which such deeds or title papers may be recorded.

To make note.

§ 5. The said commissioner, in transcribing the deeds and title papers aforesaid, shall, immediately after transcribing each deed, title paper, and acknowledgment, note in the said book at what time, in what office, book and page, the same were originally recorded.

§ 6. When such transcript shall be delivered to the recorder of Schuyler county by said commissioner, they shall, to all intents and purposes, be considered as books of record of deeds and title papers for the said county of Schuyler, and copies of such transcribed deeds and title papers, certified by the recorder of Schuyler, shall be evidence in all courts in this state, in the same manner that copies of deeds regularly recorded in the recorder's office of said county are evidence, and with the like effect.

To be considered books of record.

§ 7. The said county court shall have power to fill any vacancy which may happen in the said office of commissioner.

§ 8. The recorder of Schuyler, upon the delivery of the transcribed records aforesaid, by the commissioner aforesaid, shall estimate the number of deeds and other title papers which may have been transcribed by said commissioner as aforesaid, and shall certify the result to [the] county court aforesaid, and said court shall thereupon make an order upon the treasury of the county, in favor of such commissioner, for his services, at and after the rate of twenty-five cents for each and every deed and title paper so transcribed by him as aforesaid; which said order shall be paid as other county orders are now required to be paid.

Recorder to estimate compensation.

§ 9. This act to take effect from and after its passage.

APPROVED January 20, 1849.

AN ACT to authorise the county of Bureau to transcribe records of Putnam county.

In force April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the county commissioners' or county court of the county of Bureau is hereby authorised and empowered at any regular term thereof, whenever it shall be deemed expedient, to contract with the lowest competent bidder, for transcribing from the records of the county of Putnam, all deeds, title papers, certificates, patents, town plats and all other writings on record in the recorder's office of said county of Putnam, appertaining to lands lying in the county of Bureau.

County commissioners' court to contract.

§ 2. The person obtaining the aforesaid contract shall, before entering upon the duties enjoined by this act, take and subscribe an oath or affirmation carefully and faithfully to perform the same; which oath or affirmation may be administered and certified to the clerk of the aforesaid court, by any justice of the peace in said county, and shall also give bond, with good and sufficient security, in such sum as the county commissioners' or county court may determine.

Duty of person contracting.

§ 3. It shall be the duty of the county commissioners' or county court of said county, after making such contract, or as soon thereafter as may be convenient, to provide a sufficient number of suitable blank books, substantially bound, for the purpose contemplated by this act.

Duty of county commissioners.

§ 4. As soon as such book or books shall be delivered to the aforesaid contractor, he shall proceed to the office of the recorder of the county of Putnam, and shall from the books in said office make out and record, in a fair and legible manner, in the book or books furnished him, all records contemplated by the foregoing provision of this act, and shall certify at the end of each volume that the deeds, certificates, title papers, and all other writings con-

Contractor to copy record.

- tained therein, are true and correct copies from the records of the county of Putnam. When the said contractor shall have finished transcribing the records contemplated by this act, he shall also certify that these books (naming or numbering them) contain all the records appertaining to real estate lying in the county of Bureau, and on record in the office of the recorder of Putnam county.
- To make certificate. § 5. It shall be the duty of the recorder of the county of Putnam to permit said contractor to make transcripts of all and every record required by the provisions of this act, and for that purpose to use the books in which such instruments may be recorded free of charge.
- Recorder to afford contractor access to books.
- How paid. § 6. The said contractor shall be paid for his services out of the county treasury of Bureau county.
- Record to be evidence. § 7. When the records made by authority of this act are completed in the manner contemplated therein, and deposited in the recorder's office of the county of Bureau, certified copies of the same, made by the recorder of the aforesaid county, shall be evidence in all courts and places, and with the same effect as if made by the recorder of the county of Putnam.
- Sale of land for taxes to be transcribed. § 8. Said county court are hereby authorised, in like manner as is provided by this act for transcribing the records of deeds of said county of Putnam, to cause to be transcribed all records of sales of lands for taxes, made in said county of Putnam, and which lands may lie in said county of Bureau; and also all records of judgments, or other public records of said county of Putnam, necessary for the use or security of the people of said Bureau county, or any lands situate therein. And all such transcribed records, when deposited in the proper office of said Bureau county as provided by this act, for transcripts of the records of deeds aforesaid, and copies duly certified from them shall be evidence to the same extent that the original records of said Putnam county, or transcripts from them, would be; and the officers of said Putnam county having the custody of such original records shall permit said transcripts to be taken therefrom free of charge.

APPROVED February 10, 1849.

In force
April 13, 1849.

AN ACT to authorise the recorder of St. Clair county to transcribe certain records in said county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the county commissioners' court of St. Clair county are hereby authorised to provide a suitable record book, into which they may have transcribed all or any portion of the records of said county contained in book (I) in the recorder's office of said county; for which service they shall pay the recorder of said county such reasonable compensation as they may consider just.

§ 2. All such records so transcribed shall have the same force, validity, and effect, as is by law allowed to other records, and copies thereof, duly certified, shall be competent evidence in any of the courts of this state.

APPROVED February 12, 1849.

AN ACT for the relief of the securities of Alonzo Pate.

In force
Jan'y 9, 1849.

Preamble.

WHEREAS, one Alonzo Pate obtained a writ of error from the supreme court, to the circuit court of Adams county, on a conviction upon an indictment for the crime of forgery in said circuit court, and a *supersedeas* thereon, by his entering into a recognizance in the penal sum of three thousand dollars, with William Leachman, Adam Taylor, James M. Crawford, and John Denson, as securities; and whereas, the supreme court affirmed the judgment of said circuit court, and the said Pate failed to appear at the next term of said circuit court thereafter, to abide said judgment, although his said securities made every effort in their power to arrest him and procure his attendance; and whereas, upon *scire facias* on said recognizance issued from said circuit court, a judgment was rendered against the said Leachman, Taylor, Crawford, and Denson, for the amount of said penalty; and whereas, said securities have already paid upon said judgment the sum of four hundred dollars, and all the costs of court, amounting to a large sum; and whereas, upwards of two thousand two hundred of the legal voters of said Adams county have petitioned for the passage of an act for the relief of said securities from any further payment on said judgment; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That [said] William Leachman, Adam Taylor, James M. Crawford, and John Denson, securities of [said] Alonzo Pate, be, and they are hereby, released and discharged from the payment of the balance of said judgment now remaining due and unpaid. Securities released.

§ 2. It shall be the duty of the judge of the fifth judicial circuit to cause the execution issued upon said judgment to be returned to the clerk's office of said Adams circuit court, without any further proceedings thereon, and cause any levy or levies made thereon to be annulled and set aside, and to direct the clerk of said circuit court to enter upon the judgment docket thereof full satisfaction of said judgment rendered upon said recognizance. Duty of judge and clerk of circuit court.

§ 3. This act shall in no wise have the effect to release the said Pate from any liability on said recognizance. Defendant not released.

§ 4. This act shall take effect from and after the passage of the same.

APPROVED January 9, 1849.

AN ACT for the relief of John Brass.

In force
Jan. 17, 1849.

Preamble.

WHEREAS, John Brass having by an unfortunate dispensation of Providence been deprived of the use of his arm, and thus rendered incapable of maintaining himself by manual labor, and being without any other means of support than what he can acquire in some honest calling, suited to his present unfortunate condition, and being desirous of assisting him in his misfortunes; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the said John Brass personally be allowed a pedler's license to peddle goods in the state John Brass allowed to peddle.

of Illinois during his life, in consequence of his losing an arm by the bursting of a gun; and the secretary of state be authorised to issue said license; *Provided, further*, that the said Brass shall not employ more than one thousand dollars' worth of capital at any one time, and shall not be allowed to sell or deal in intoxicating liquors under the license or privilege granted by this act.

§ 2. This act to take effect from and after its passage.

APPROVED January 17, 1849.

In force
Jan. 19, 1849.

AN ACT for the relief of Johnson M. Owen.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That Johnson M. Owen, who was heretofore convicted of the crime of larceny, in and by the circuit court in and for the county of Wayne, in the state of Illinois, be, and he is hereby, restored to all the rights and privileges of a citizen of the said state of Illinois, as fully and amply as if no such conviction had ever taken place.

§ 2. This act to be in force from and after its passage.

APPROVED January 19, 1849.

In force
Jan. 24, 1849.

AN ACT for the relief of Isaiah Cormack.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That Isaiah Cormack, who was convicted of the crime of larceny, at the September term, A. D. 1847, of the Jo Daviess county court, in the state of Illinois, by said court be restored to all the rights and privileges of a citizen of the said state of Illinois, as fully and amply as if no such conviction had ever taken place, from and after the passage of this act.

APPROVED January 24, 1849.

In force
April 13, 1849.

AN ACT for the relief of A. Getzler, late assessor of Cook county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That A. Getzler, late assessor of Cook county, be allowed the sum of seventy-five dollars for amount paid by him for assistance in assessing the property of Cook county for the year of our Lord one thousand eight hundred and forty-six; and that the auditor of public accounts issue to him his warrants therefor.

APPROVED January 25, 1849.

AN ACT for the benefit of Reuben Emmerson and securities.

In force
April 13, 1849.
Preamble.

WHEREAS, Reuben Emmerson, of White county, on the 4th day of May, A. D. 1841, leased of the state the water power and mills at Carni, at the rent of \$400 per annum, and thereupon gave his bond to the state, with H. F. Delany, John Storms, Lock Phipps, Solomon Voris, William Little, J. C. Haynes, J. Downes and J. T. Ratcliff, his securities for the payment of said rent, &c., upon which bond a judgment was obtained at the July term, 1848, of the Sangamon circuit court; and whereas, the said Emmerson was obliged to purchase other machinery in place of that leased him by the state, which was taken away by the original proprietor, and his said contract has been wholly worthless to him; and whereas, there is no fund for the improvement of the Little Wabash river, to which object the proceeds of said lease were directed by law to be applied, and no such improvement is now contemplated; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois,* Released.
represented in the general assembly, That the said Emmerson and his securities upon said bond, are hereby forever released from all liability on said bond and judgment; *Provided,* that nothing in this act of said suit.

APPROVED January 29, 1849.

AN ACT for the relief of Don Alonzo Cushman, Samuel M. Beakly and Alonzo R. Cushman.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois,*
represented in the general assembly, That whenever Don Alonzo Persons
Cushman, Samuel M. Beakly and Alonzo R. Cushman, their heirs relieved.
and assigns, shall execute a good and sufficient bond in the sum of Conditions.
two thousand dollars, payable to the state of Illinois, with such securities as shall be approved by the governor and secretary, and conditioned for the full indemnity of the state, against the production, payment, or liability in any manner whatever, by reason of a certain one thousand dollar bond, No. 57, three coupons off, (describing in said indemnity bond, to the satisfaction of the governor, the said one thousand dollar bond, No. 57,) and file the said bond in the office of the secretary of state, the governor be, and he is hereby, authorised and required to issue a certificate of state indebtedness, for the amount of said one thousand dollar bond and of the coupons attached; which certificate shall express upon its face, "Certificate No. —, for one thousand dollar bond, No. 57, three coupons off, issued and lost on or about June 28, A. D. 1844;" which said certificate shall be of the same force and effect of the said bond, and entitle the holders thereof to the same rights, privileges and payments, in all respects whatever, as though they were the holders of the original bond.

APPROVED January 30, 1849.

(H)

In force
April 13, 1849.

AN ACT for the relief of John E. Hall, collector of Gallatin county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That John E. Hall, late sheriff and collector for the years eight hundred and forty-six and eighteen hundred and forty-seven, of the revenue of Gallatin county; be, and he is hereby, released from all interest which may be chargeable to him as such collector, on the revenue of the years 1846 and 1847, and the auditor of public accounts is hereby directed, in a final settlement with said collector, to acquit him of the interest aforesaid.

APPROVED January 30, 1849.

In force
Feb. 2, 1849.

AN ACT for the relief of John Wilson.

To keep a
ferry.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That an act entitled "an act to authorise John Wilson to keep a ferry across the Mississippi river," approved February 26, 1841, be, and the same is hereby, extended and renewed for the term of ten years, from and after the 26th day of February, A. D. 1851, and that all the rights, franchises and privileges granted and secured to John Wilson, by the provisions of said act, be, and the same are hereby, granted and secured to him for the said term of ten years from the expiration of said charter.

To keep boats.

§ 2. The said John Wilson, and his assigns, shall at all times, during said term, keep or cause to be kept upon said ferry such boats and water craft for the transportation of passengers, their baggage and freight, as the county court of Rock Island county may from time to time require.

To pay tax.

§ 3. For the privileges herein granted, the said John Wilson, his heirs and assigns, shall pay into the county treasury of said county of Rock Island, such annual tax as may be assessed by the county commissioners' court, or county court, (when created) of said county, not exceeding the sum of forty dollars; and in default of the payment of said tax, the said Wilson, his heirs or assigns, shall forfeit and pay the sum of eighty dollars, to be recovered in an action of debt in the name of said county, before any justice of the peace, subject to appeals as in other cases.

§ 4. *Provided,* that after the expiration of the term granted to said Wilson, by an act entitled "an act to authorise John Wilson to keep a ferry across the Mississippi river," approved February 26th, 1841, the legislature or the county court (when created) may, if the public good requires it, grant to the president and board of trustees of the town of Rock Island, the right to keep and run a ferry across the Mississippi river, between Rock Island, in the county of Rock Island, and Davenport, in the county of Scott, in Iowa, to and from any land or ground not now owned by said John Wilson.

§ 5. This act shall take effect from and after its passage.

APPROVED February 2, 1849.

AN ACT for the relief of the collectors of Gallatin and Saline counties.

In force
Feb. 2, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the assessment made in the year 1847, for the said county of Gallatin, previous to the division thereof into the counties of Gallatin and Saline, and the division of said assessment to each of said counties, in proportion to their taxable property, as directed by the county commissioners' courts of the counties of Gallatin and Saline, as well as the division of the collectors' books for said year, and all other acts of said courts, and of the persons appointed by them to make said division of the assessment and books aforesaid, be, and the same are hereby, legalised, and shall have the same force and effect as if said assessment, had been made within the time required by law, in the proper manner and by proper officers.

Assessment &c.
legalised.

§ 2. The collectors of said counties of Gallatin and Saline shall proceed to collect within their respective counties the taxes remaining due and unpaid, in the same manner and with the same legal effect as the same might have been done within the time prescribed by law.

Duty of collectors.

§ 3. The assessment of taxable property in Gallatin county made by James W. Trousdale, for the 1848, and the levy made by the county commissioners' court of said county, on the 15th day of January, 1849, for county purposes, be held to be as valid as if the same had been made, completed and returned within the prescribed provisions of law, and the said assessment and levy in regard to these and all other defects is hereby legalised.

§ 4. This act to be in force from and after its passage.

APPROVED February 2, 1849.

AN ACT for the relief of certain persons therein named.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the principals and securities in the bond of John J. Hardin and John Henry, to this state, executed on the receipt of certain public arms for the use of an independent company of cavalry, be released and discharged from the same; *Provided,* the surviving officers of said company shall, when required, surrender all public arms in said company's possession.

Bond for state
arms.

Do. do.

§ 2. And that the principals and securities in the bond or bonds executed by Henry Newton and by Harrison P. Crawford, on the receipt of certain state arms for the use of certain independent companies heretofore commanded by them respectively, in Hancock county, be released and discharged from the said bond or bonds; *Provided,* the officers of said company or companies last named, shall cause to be surrendered up to any agent of this state, appointed for that purpose, all public arms aforesaid, in the possession of said company or companies, within their power.

§ 3. The governor of this state is hereby authorised to appoint an agent to receive and receipt for said arms.

Governor to
appoint agent
to receive arms.

Liability for
arms not ac-
counted for.

§ 4. Nothing in this act shall have the effect to discharge said securities named in the first and second sections of this act, from their liability on said bonds, whenever it shall be made to appear said arms were lost, injured or destroyed by the negligence or voluntary and intentional act of said officers of or other members of the companies to whom said arms were delivered.

APPROVED February 3, 1849.

In force
Feb. 9, 1849.

AN ACT for the relief of the securities of John H. McElhanon.

Securities on
bond of collec-
tor Washington
county.

Condition.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That Greenville Rountree, Linville Rountree, and others, the securities of John H. McElhanon, late collector of the revenue of Washington county, for the year A. D. 1843, on his bond as such collector, be, and they are hereby, allowed until the first day of December, 1849, to satisfy a certain judgment rendered on said bond, in the circuit court for the county of Sangamon, on the 25th day of July, 1848, and that they be discharged from said bond and judgment on payment to the auditor of this state, within the time aforesaid, in state indebtedness or state bonds, of the amount agreed upon before the rendition of said judgment between them and the auditor of state, as the real amount due on said bond, (and which amount is the sum of six hundred and nineteen dollars and thirteen cents,) together with six per cent. interest thereon per annum, from the date of said judgment until paid.

Failure to pay.

§ 2. Should said securities fail to pay the amount named in the first section of this act, within the time and in the manner therein provided, said judgment shall remain in full force and effect, and nothing in this act shall effect or remove any lien upon any property of said securities under said judgment, until payment shall be made as aforesaid. Nothing in this act shall discharge the said John H. McElhanon from said bond or judgment, but he shall remain liable upon the same.

§ 3. This act shall take effect from and after its passage.

APPROVED February 9, 1849.

In force
Feb. 9, 1849.

AN ACT for the relief of the heirs of Thomas Sconce and others.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the estate and heirs of Thomas Sconce, deceased, late collector of the county of Cumberland, for the year one thousand eight hundred and forty-seven, and William Decker, William Jones, James B. Wall and Drury Wall, securities of the said Sconce, as collector, be, and they are hereby, released and discharged from any further obligation to pay the state any part of the amount due from the said county of Cumberland, for taxes for the year aforesaid, in consequence of the defalcation of said Thomas Sconce.

§ 2. The county commissioners' court of said county is hereby authorised and empowered to discharge the said Sconce's estate and heirs, and the securities aforesaid, from all liability to the said county of Cumberland, for any defalcation by the said Sconce to said county.

§ 3. This act to be in force from and after its passage.

APPROVED February 9, 1849.

AN ACT for the relief of the securities of James Willis, late sheriff of Jackson county.

In force.
Feb. 8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the securities of James Willis, late sheriff and collector of revenue for the county of Jackson, shall pay to the auditor of public accounts, by the first day of December, 1849, in state indebtedness, all such amounts, with legal interest, as may then be due from the said James Willis, and for which judgments have been recovered against said Willis and his said securities; and also, pay all costs which shall then have accrued, to the persons respectively entitled thereto, they shall be released from liability, and said judgments as to them deemed satisfied; *Provided,* that nothing herein contained shall be so construed as to release the said sheriff from the debt, or any part thereof.

§ 2. That execution on said judgments be stayed until said time of payment, but to be in force and the amounts due to be collected, if said payments shall not be made as herein provided, and that said judgments and execution remain a lien upon all personal and real estate as fully as though this act had not been passed. This act to be in force from and after its passage.

APPROVED February 8, 1849.

AN ACT for the relief of M. Brayman, administrator of Milton Carpenter, deceased.

In force
Feb. 8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, directed to issue his warrant upon the treasurer in favor of M. Brayman, administrator of Milton Carpenter, deceased, for the sum of five hundred dollars, in full of the amount due said Carpenter, for distributing the new constitution to the several counties in this state.

§ 2. This act to take effect from and after its passage.

APPROVED February 8, 1849.

AN ACT for the relief of Samuel S. Marshall and others.

In force
Feb. 8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts is hereby directed to draw and issue his warrant upon the treasurer of this state, in favor of Samuel S. Marshall, for the sum of two hundred dollars; to William Rogers, for the sum of one

hundred and thirty dollars; to Allen Bainbridge, for the sum of thirty-nine dollars thirty-five cents; to T. J. & D. Moonaghan, twenty-seven dollars; to G. H. Paget, three dollars and thirty-seven cents; to S. J. Chapman, one hundred and nine dollars thirty-seven cents; to A. B. Brown, two hundred and forty dollars fifty cents; as a compensation for their services in the Massac difficulties; and the said treasurer is hereby required to pay the said warrants out of any funds he may have in the treasury not otherwise appropriated by law.

This act to take effect and be in force from and after its passage.

APPROVED February 8, 1849.

In force
Feb. 10, 1849.

AN ACT for the relief of William Welch.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That William Welch, of the county of Macoupin, and state of Illinois, be, and he is hereby, released from the recognizance entered into by him, as the security of George W. Scott, in the case of the people of the state of Illinois against said Scott, and upon which said recognizance *scire facias* has been issued against said Welch, and is now pending and undetermined in the circuit court of the said county of Macoupin, and said Welch is hereby authorised to plead this act in bar of any further proceedings on said recognizance; *Provided*, that said Welch shall pay all costs that have accrued in proceedings heretofore had upon said recognizance.

§ 2. This act to be in force from and after its passage.

APPROVED February 10, 1849.

In force
April 13, 1849.

AN ACT for the relief of Archibald Job.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the sum of seven hundred and fifty-six dollars, be, and the same is hereby, appropriated to Archibald Job, in full of the amount due him, as one of the state-house commissioners.

§ 2. The auditor of public accounts of the state of Illinois, is hereby authorised and directed to issue his warrant for the above sum to the said Archibald Job.

APPROVED February 10, 1849.

In force
April 13, 1849.

AN ACT for the relief certain persons therein named.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the auditor of public accounts be, and he is hereby, directed to issue his warrant upon the treasurer in favor of Thomas H. Owens, for the sum of fifty-one dollars and thirty-four cents, in full, for provisions furnished the troops employed by the government in the Mormon war. Also, to

Thomas Wells, five dollars, in full, for provisions furnished by him to the troops aforesaid.

APPROVED February 10, 1849.

AN ACT for the relief of certain officers herein named.

In force
Feb. 10, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That in all cases hereafter, or which have heretofore happened, when persons are committed to any common jail, by virtue of any warrant of commitment of any justice of the peace, or other judicial authority within this state, and such person is unable to pay for board and jail fees, or shall be discharged from such imprisonment by order of any competent authority; and also, in all cases where the law makes no provision for such payment, the county where the cause of such imprisonment accrued shall pay the sheriff of such county his proper fees and charges, including board, accruing by virtue of such imprisonment; which shall be in force from and after its passage.

APPROVED February 10, 1849.

AN ACT for the relief of A. J. Douglass.

In force
April 13, 1849.
Preamble.

WHEREAS, Arenton J. Douglass lost, by theft or otherwise, on or about the eighth of July, 1847, the sum of seven thousand dollars in registered Illinois and Michigan canal scrip and indebtedness, as hereinafter described, to wit:

Numbers 593, 589, 588, for the sum of one thousand dollars each, dated February 22, 1844, payable to Ballentine and Douglass, or bearer, and signed Thomas Ford;

Number 599, for the sum of five hundred dollars, and in all respects corresponding with the above described; number 770, for the sum of one hundred dollars, dated June 11, 1844, payable to Sears, Blount and Payne, and signed Thomas Ford;

Numbers 1829, 1810, 1809, 1808, 1834, 1819, 1818, 1817, 1816, 1802, 1803, 1804, 1805 and 1806, for the sum of one hundred dollars each, payable to bearer, when funds are provided for that purpose, dated June 1, 1843, and signed Jacob Fry, acting commissioner, and Joel Manning, secretary. Making in amount, the sum of five thousand dollars, and marked across the face in red ink, "Registered February the 9th, 1846, Jacob Fry;"

Also, number 589, for the sum of five hundred dollars, dated February 22d, 1844, payable to Ballentine and Douglass, and signed Thomas Ford;

Numbers 1766, 1662, 1664, for the sum of one hundred dollars each, letter A, dated April 1, 1843; numbers 1825, 1824, 1823, 1835, 1837, 1836, 1838, for one hundred dollars each, letter A, and dated June 1, 1843. Also, numbers 1765, 1662, 1661, 1716, 1656,

for the sum of one hundred dollars each, dated April 1, 1843, all payable to bearer, when funds are provided for that purpose, and all signed Jacob Fry, acting commissioner; and Joel Manning, secretary, and all marked across the face in red ink, "Registered May 25th, 1846, Jacob Fry;" making in amount, the sum of two thousand dollars. The above scrip and indebtedness, was registered by the state trustee, in conformity with a law for the completing the Illinois and Michigan canal, and for other purposes, approved February 21, 1843.

WHEREAS, all Illinois and Michigan canal scrip and indebtedness, before the same is funded, undergoes a minute examination by a state agent, appointed by his excellency the governor, and upon the certificate of said agent, setting forth the amount of the principal and the amount of interest on said scrip and indebtedness so examined, and upon such certificate the governor grants Illinois and Michigan canal bonds for the principal, and interest scrip for the interest; and whereas, such examination would detect the above described scrip and indebtedness, and guard the state against the redemption of the same; therefore,

To procure
certificate.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That when Arenton J. Douglass, his heirs or legal representatives, shall procure from the state trustee of the Illinois and Michigan canal his certificate that the above described Illinois and Michigan canal scrip and indebtedness is legally registered in his office as a portion of the canal debt, in conformity with a law for the completion of the Illinois and Michigan canal, and for other purposes, approved February 21, 1843, and shall procure the certificate of the examining agent of his excellency the governor of this state, that the said scrip and indebtedness, described in the foregoing preamble, has not been cancelled and redeemed, and that he has not granted a certificate to any person for the purpose of funding the same, under the instruction of his excellency the governor of this state, and shall procure his certificate of the amount of principal and interest on said scrip and indebtedness, thereupon, the governor of this state is hereby authorised and required to issue Illinois and Michigan canal state bonds as registered, for the principal, and issue interest scrip for the interest due on said scrip and indebtedness, and cause the same to be cancelled on the proper books, as though the same had been surrendered.

Governor to
pay, &c.

Bond and secu-
rity to be given.

§ 2. And upon the executing and delivery of the aforesaid bonds and interest scrip, the governor of this state shall require that the said Arenton J. Douglass execute a bond, with security to the state, in the penal sum of fourteen thousand dollars, conditioned that the said Douglass shall indemnify the state against any person or persons as holding said scrip and indebtedness by purchase or legal transfer by him, or by John T. Roberts.

APPROVED February 12, 1849.

In force
Feb. 11, 1849.

AN ACT for the relief of certain persons therein named.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the general assembly,* That the auditor of public ac-

counts be, and he is hereby, required to issue a duplicate warrant, in lieu of warrant No. 9136, dated April 3d, 1837, in favor of Tweed and Freeman, for the sum of one hundred dollars; said warrant having been lost or stolen; *Provided*, the said Tweed and Freeman, or either of them, file with the auditor a bond, with good and sufficient security, in the penal sum of two hundred dollars, conditioned as is now required by law in such cases.

§ 2. That the auditor of public accounts be, and he is hereby, required to issue a duplicate warrant for fifteen dollars, in favor of Mathew Stokes, in lieu of a ten dollar warrant and a five dollar warrant, the property of said Stokes, destroyed by fire.

This act to take effect from and after its passage.

APPROVED February 12, 1849.

AN ACT for the relief of certain persons therein named.

In force
Feb. 12, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That Joshua Woosley, Z. M. Blackaby and William McCormack, late county commissioners of Pike county, be, and they are hereby, jointly and severally released and discharged from a certain fine or fines heretofore imposed upon them by the circuit court of the county of Pike, for an alleged contempt of said court.

§ 2. This act shall not be so construed as in any manner reflecting upon said circuit court, on account of the said fine or fines.

§ 3. This act shall take effect from and after its passage.

APPROVED February 12, 1849.

AN ACT to amend the several acts concerning the public revenue.

In force Feb.
8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That all assessments of property for taxation made in the year 1848 and prior years, and which were not completed within the time required by law, be, and the same are hereby, declared to be as good, valid and effectual as if they had been made and returned in strict conformity to law, and the auditor shall have power to remit the interest, when it shall appear that the collector did not receive the books within the time required by law.

§ 2. Assessors for the current year, (1849) and hereafter, shall complete the assessment of the property and make returns thereof as is now required by law, on or before the first Monday in September; and for a failure to do so, they shall forfeit the amount allowed them for said service. The clerks shall perform the duties required of them, and deliver the books to the collectors on or before the first Monday in November thereafter. Every clerk failing or neglecting to comply with the provisions of this section shall forfeit the amount allowed him for said service, unless he shall

Duty of assessors for 1849.

have been prevented from performing the same by the failure of the assessor.

Duty of collectors.

§ 3. The collector, as now provided for by law, shall present his bond to the county court, at the September term thereof, and when approved by said court, it shall be recorded; and the clerk shall endorse thereon his certificate of the facts, under the seal of the court, and shall transmit it by mail to the auditor, within three days after the adjournment of the said court. If any collector's bond shall not be received within thirty days after the commencement of said court, it shall be his duty to advise the county treasurer, by letter, of the fact, and said treasurer shall demand the bond and forward it without delay.

County courts.

§ 4. The county courts of the several counties of this state shall have the same jurisdiction of suits brought by collectors, for the taxes on delinquent lands and town lots, as the circuit courts of this state now have or may hereafter have by the laws of this state.

On failure to pay taxes.

§ 5. When any person, owning lands or town lots in any county in this state, shall fail to pay the taxes assessed thereon, and the collector shall be unable to find any personal property of such person in his county whereon to levy, of value sufficient to pay said taxes and cost, or shall be unable to sell personal property, as is required by law, it shall be the duty of the collector to publish an advertisement in some newspaper published in his county, having the greatest circulation in said county, if any such there be, and if there be no such paper printed in his county, then in the nearest newspaper in this state; which advertisement shall be once published at least four weeks previous to the June term of the county court; and the said advertisement shall contain a list of the delinquent lands and town lots upon which the taxes remain due and unpaid, the names of owners if known, the amount of tax, interest and cost due thereon, and the year or years for which the same are due; shall give notice that he will apply to the county court at the June term thereof for judgment against said lands and town lots for said taxes, interest and costs, and for an order to sell said lands and town lots for the satisfaction thereof, and shall also give notice that on the third Monday next succeeding the day fixed by law for the commencement of the said term of the said county court, all the lands and town lots for the sale of which an order shall be made, will be exposed to public sale at the place of holding court in said county, for the amount of said taxes, interest and cost due thereon; and the advertisement published according to the provisions of this section shall be deemed and taken to be sufficient and legal notice, both of the intended application of the collector to the county court for judgment, and also of the sale of lands and lots under the order of said court; *Provided*, that if the publisher of such paper shall be unable or unwilling to publish said list and notice accurately and properly, the collector shall select some other newspaper, having due regard to the circulation of such paper; *And provided further*, that nothing in this section shall be so construed as to prevent the collector from applying at any succeeding term of said court for judgment against delinquent lands and lots, and selling the same, if from any cause he shall be unable to obtain judgment at the June term thereof.

Property to be sold.

Proviso.

Purchaser at tax sales.

§ 6. Hereafter no purchaser of any land or town lot, at any sale of lands or town lots for taxes due either to this state or any county,

or incorporated town or city within the same, or at any sale for taxes or levies authorised by the laws of this state, shall be entitled to a deed for the lands or town lot so purchased until he or she shall have complied with the following conditions, to wit: Such purchaser shall serve, or cause to be served, a written notice of such purchase on every person in possession of such land or town lot, three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons, in whose name or names the land or lot is taxed, do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county, having the greatest circulation; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county in which such lot or land is situated; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance; which affidavit shall be delivered to the person authorised by law to execute such tax deed, and which shall by him be filed with the officer having custody of the records of lands and lots sold for taxes, and entries of redemption, in the county where such land or lot shall lie, to be by such officer entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit, shall be deemed guilty of perjury and punished accordingly. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such land or lot from tax sale, shall be permitted to redeem, he or she shall pay the officer or person who by law is authorised to receive such redemption money, the printer's fee for publishing such notice, and the expenses of swearing or affirming to the affidavit and filing the same; *Provided*, that this notice shall not be required to be given on sales made for taxes assessed prior to the adoption of the amended constitution in 1848. Sections two and three of an act entitled "an act to amend the present revenue law," requiring a clerk of the county court to give notice to owners, &c., approved February 27, 1847, be, and the same are hereby, repealed.

To serve notice
and advertise.

And make
affidavit.

Proviso.

§ 7. The auditor of public accounts shall obtain, on the first day of October annually, or as soon thereafter as practicable, from the several land offices of the United States, at which lands within this state are sold, abstracts containing a description of all lands sold at each office, the dates of sale and the names of purchasers, for which he shall pay not exceeding four cents per tract, and shall certify the amount to the governor, whose duty shall be, if said account appears reasonable and right, to approve the same; which shall be sufficient authority for the auditor to issue his warrant on the treasury for said amount.

Duty of auditor.

To transmit
lists of lands.

§ 8. The auditor shall annually transmit to the clerks of the several county courts, on or before the first day of January, a list of all lands in their respective counties which may have or shall become taxable during the year preceding the said first day of January, and not previously reported; and the list required to be delivered by the clerk to the assessor shall be so delivered on or before the first day of February instead of the first day of January in each year.

Former law re-
pealed.

§ 9. Section ten of chapter eighty-nine of the revised statutes, and all other laws establishing a minimum value of lands in this state for taxation, be, and the same are hereby, repealed. Hereafter it shall not be lawful for the clerks of the county commissioners' court to make full lists of the lands and lots taxable in their counties, unless the county commissioners' court, at their September term, shall order a full list to be made; but the said clerks shall annually add to the old lists the lands described in the yearly report of the auditor, for which he shall be paid as may be directed by law. The assessor shall return to the said clerks the lists of lands furnished him by the clerks, which shall be preserved for future use.

Duty of collec-
tor.

§ 10. The collector shall file the list of delinquent lands and lots, which shall be made out in numerical order, and contain all the information necessary to be recorded, with the clerk of the county court, at least five days before the commencement of the term at which application for judgment is to be made, and said clerk shall receive and record the same in a book to be kept for that purpose—which said book shall be ruled and headed as near as may be in the following form :

A LIST of lands and town lots reported by ——— collector of the revenue for the year 184—, upon which he has been unable to collect the taxes due thereon; and now on this — day of ——— 184 , files this his petition for a judgment and order of sale against said lands and lots at the ——— term 184 , of the county court.

Owners' names.	Part of section.	Section.	Township.	Range.	Acres.	Valuation.	State revenue tax.	State special tax.	County tax.	County special tax.	Total am't due.	Remarks.

Delinquent
lands.

§ 11. On the first day of the term at which judgment on delinquent lands and town lots is prayed, it shall be the duty of the collector to report to the clerk a list of all the lands and town lots upon which the taxes have been paid, if any, from the filing of the list mentioned in the tenth section of this act up to that time; and the clerk shall note the fact opposite each tract upon which the taxes have been so paid. The collector, assisted by the clerk, shall compare and correct said list, and shall make and subscribe an affidavit, which shall be, as near as may be, in the following form :

Oath of collec-
tor.

I, ———, collector for the county of ———, do solemnly swear (or affirm, as the case may be) that the foregoing is a true and correct record of the delinquent lands and town lots within the county of ———, upon which I have been unable to collect the

taxes as required by law, for the year or years therein set forth; that said taxes now remain due and unpaid, and that due notice of application for judgment and of sale has been given as required by law. Said affidavit shall be entered on the record at the bottom of the list, and signed by the collector; the oath may be administered by the judge, clerk or any justice of the peace, who shall attest the same.

§ 12. The court shall examine said list, and if defence or objection be offered by any persons interested in any of said lands, to the entry of judgment against the same, the court shall hear and determine the same in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be, and shall direct the clerk to make out and enter an order for the sale of said lands, which shall be substantially in the following form:

WHEREAS, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defence or show cause why judgment should not be entered against the said lands for the taxes, interest and cost due and unpaid thereon, for the year or years herein set forth; therefore it is considered by the court that judgment be, and is hereby, entered against the aforesaid tract or tracts of land, or parts of tracts, (as the case may be) in the name of the state of Illinois, for the sum annexed to each tract or parcel of land, being the amount of taxes, interest and costs due severally thereon; and it is ordered by the court that the said several tracts of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of taxes, interest and costs annexed to them severally, be sold, as the law directs.

§ 13. Said order shall be signed by the judge, and shall have the same effect as judgments and orders made by the circuit court, under the laws to which this is an amendment. Persons aggrieved by any decision of the county court, in such cases, shall have the right of appeal to the circuit court, under such rules and restrictions as may be established by law.

§ 14. All duties required to be performed by the clerk of the circuit court, by the law to which this is amendatory, and which are not in this act dispensed with, shall devolve upon and be performed by the clerk of the said county court; and his compensation for said services shall be the same as allowed by said law to which this is amendatory to the clerk of the said circuit court.

§ 15. The clerk of said court shall, within ten days after any sale for taxes, make out and transmit to the auditor a transcript of sales, which shall be written on foolscap paper, made up, stitched and paged in book form, suitable for binding; said form to be substantially as follows:

A *TRANSCRIPT* of lands and town lots sold for taxes on the — day of ——— 184 —, in the county of ———.

Acres offered.	Part of section.	Section.	Town.	Range.	Acres sold.	Amount of sale.	Name of purchaser.

LANDS and lots forfeited to the State on the — day of — 184 .

Part of section.	Section.	Town.	Range.	Acres.	State revenue tax.	State special tax.	County tax.	Total.

Penalty for failure.

§ 16. Said clerk, for failing to forward to the auditor the said transcript, within the time prescribed in the preceding section, shall forfeit and pay into the treasury of the state the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction; and it shall be the duty of the prosecuting attorney for the circuit in which the county of said clerk may be, to prosecute and recover the same on being required by the auditor so to do.

§ 17. Suits for the sale of delinquent lands for taxes of 1848, and prior years, may be brought and prosecuted either in the circuit courts or in the county courts; but for the taxes of subsequent years, original jurisdiction of such suits shall be exclusive in the county courts.

Assessments of 1849, collection &c.

§ 18. Assessments and collections of taxes for the year 1849, and subsequent years, shall be made conformably to the provisions of this act, and the laws to which it is amendatory.

§ 19. The collector of each county, upon receiving the assessment list from the clerk of the county commissioners' court of his county, and giving a receipt for the same, shall proceed to collect the taxes charged upon said list, by causing a printed notice to be posted in three different places in each election precinct, and in three different places at the county seat; one of which shall be on the door of the court-house, if any, and shall cause the same to be inserted in any newspaper published in such county having the greatest circulation, if any be published therein, for the space of three successive weeks; stating in each notice upon what day or successive days the collector will, by himself or agent, attend in such precincts, at the place of holding elections, or at some equally public and convenient place, for the purpose of receiving taxes; and the said collector, or his agent, shall attend for the purpose aforesaid, on the day and at the place named in such notice, and shall also attend, by himself or agent, at his office at the county seat, during the month of January, for the same purpose; *Provided, however*, that the said notice shall be considered a demand for the taxes sufficient to create the lien specified in the act to which this is an amendment; and said notice shall be posted up and advertised, as aforesaid, at least three weeks prior to the time specified for meeting in the precinct.

To distrain personal property.

§ 20. If any person shall fail to pay the taxes charged against him, on or before the first day of February next, after the publication of said notices, the collector may distrain his personal property, and proceed to sell the same as already prescribed by law.

§ 21. There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar's worth of taxable property, in

addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon, and to that extent, in extinguishment of the principal of said indebtedness.

§ 22. The treasurer of each county shall be ex officio assessor. Before he enters on the duties of his office as assessor, he shall take and subscribe the following oath, (or affirmation) to wit: Treasurer ex-officio assessor.

I, A. B., do solemnly swear, (or affirm, as the case may be,) that I will faithfully, diligently and impartially perform all the duties required of me by law, as assessor and treasurer of the county of——. And especially that I will value and assess for taxation all property, real and personal, which is subject to taxation in said county, at its true value, in accordance with the provisions of the constitution. To take oath.

Which oath may be administered by the clerk of the county court, or any justice of the peace, and endorsed on or attached to the book of said assessor, and returned, with said assessor's book, to the clerk's office. A refusal or neglect of the treasurer to qualify and act as assessor shall vacate his office as treasurer, and the county court shall thereupon appoint some suitable person to fill such vacancy, who shall hold his office until his successor is duly elected and qualified. The treasurer shall keep his office at the county seat; and his neglect to do so shall vacate his office, which may be filled as aforesaid.

§ 23. The auditor of public accounts be, and he is hereby, required to have the land records in his office carefully compared with the records in the several land offices in this state, and corrected, so as to show the correct description of all the lands sold and subject to taxation in this state, the name of the purchaser, and the date of sale; and he shall enter up in said records, from the annual lists of lands obtained from the several land offices, a correct record of the land sold at said land offices, in numerical order, correcting all errors in said transcripts or records. To defray the expenses of the work required to be performed in making the comparison and entries aforesaid, he shall be allowed two cents per tract for each tract corrected and transcribed. Duty of auditor

§ 24. It shall be the duty of the auditor to have the records mentioned in the first section of this act, corrected as soon as practicable; and as said work progresses, he may lay proper vouchers before the governor, which shall show the number of tracts actually compared or entered; and if the governor shall be satisfied that said vouchers are correct, he shall approve the same, which shall authorise the auditor to issue his warrant on the treasurer for the amount due, to be paid out of any moneys not otherwise appropriated; and the amount that may be approved as aforesaid is hereby appropriated. All laws and parts of laws authorising John B. Weber to correct said records, are hereby repealed. Further duty of auditor.

§ 25. If any tract or tracts of land shall have been, or may hereafter be, taxed before the same became taxable under the laws of this state, the auditor of public accounts, upon application of the owner of said lands, shall give him a certificate, under the seal of his office, showing when the same became taxable under the rules Lands not taxable.

heretofore observed in his said office, in making the reports of taxable lands to the several counties, and said certificate shall be evidence of the facts therein contained.

Assessor to give certificate. § 26. The assessor shall, at the time of making the entry in his book, as required by the 16th section of the 89th chapter of the revised laws, give to the person so assessed a certificate of the entry so made of the value of the real and personal property so assessed; and the assessor shall not make any change or alteration in said entry after having given such certificate, without giving to the person assessed an additional certificate showing such increased assessment.

Auditor to furnish forms. § 27. The auditor is hereby required to furnish to the clerks of the county courts of the several counties forms of books for property to be assessed, and they are required to conform to said plan; said plan to be furnished to the clerks by the first day of April next.

Copy of law. § 28. The auditor is hereby required to furnish to each of the county clerks and assessors a copy of this law as soon as practicable.

Duty of assessor. § 29. It shall be the duty of each assessor, whenever any person shall refuse to furnish a list of his taxable property, of every description whatever, and swear or affirm to the same, if required so to do, to bring suit for the penalty provided by law; and if the said assessor should fail or neglect so to do, he shall be liable to a like penalty, to be recovered at the suit of any person who may sue for the same.

To administer oath. § 30. Whenever any assessor shall be required by any tax payer of his county to swear any other person in regard to his assessment, he shall administer the oath required by law at his earliest convenience, and on failure so to do shall be subject to a penalty of fifty dollars, to be recovered as other penalties under this act.

§ 31. All acts and parts of acts conflicting with this act are hereby repealed.

§ 32. This act to take effect and be in force from and after its passage.

APPROVED February 8, 1849.

In force, Feb. 12, 1849. AN ACT to provide for the collection of the revenue on forfeited property.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the general assembly,* That the clerk of the county commissioners' court of each of the several counties in this state be, and they are hereby, required to make out and transmit to the auditor of public accounts, correct statements of all the forfeited lands and town lots redeemed or sold at his office prior to the first day of June, 1849, and which had not previously been reported, and shall, at the same time, make out and transmit to the auditor a correct statement of the aggregate amount of state tax, interest fund tax, insane hospital tax, and costs received at his office for the sale and redemption of forfeited property, annually, since the year 1844.

§ 2. It shall be the duty of the auditor to make out correct statements of the several sums which may be reported, as required in the foregoing section, and transmit the same to the sheriff of each of the respective counties, whose duty it shall be to lay the same before the county court, at the first term thereof after he shall have received said statement; and the said court shall examine the accounts and books, and enter an order upon the records, showing the correct amounts received by the clerk prior to the first day of June, 1849. Duty of auditor.

§ 3. The statements of forfeited lands and lots sold, and of lands and lots redeemed, mentioned in the first section of this act, shall be made out separately; the statement of sales shall contain a description of the property sold, quantity of land, or part of lots sold, the year or years tax for which forfeited, the amount of revenue, tax and interest, the amount of interest fund, tax and interest, and the amount of insane hospital tax and interest, the amount due the county, the total amount of sale, the name of the purchaser, and date of sale, in separate columns, ruled and headed for that purpose. A blank form of said list shall be forwarded, together with a copy of this act, by the auditor to the clerk of the county court of each county. The statement of lands and lots redeemed shall be made out in the same manner as the statement of sales, with the names of the persons redeeming, instead of those of the purchasers. Said statements shall be certified by the clerk, under the seal of his office, and forwarded to the auditor by mail, on or before the 10th day of June, 1849, and a certified copy of the order mentioned in the second section of this act shall be forwarded, within three days after the adjournment of the court; and the auditor shall charge the amount that may appear to be due to the state from the said clerk, and shall collect and pay the same into the state treasury; *Provided*, that if the auditor shall be satisfied that the amount set forth in the order is incorrect, he may return the same for correction. Statements,
how made.

To be certified

Proviso.

§ 4. If the clerk of the county commissioners' court shall neglect or refuse to comply with the provisions of this act, or shall neglect to pay over the amount due by him, he shall be liable to pay the whole amount of state tax, interest and cost, on all the lands and lots which may have been forfeited to the state in his county; and the auditor shall ascertain the amount due from the sale lists on file in his office, and proceed against the said clerk in the same manner as is provided for proceeding against delinquent collectors. And the said clerk may be removed from office on failure to pay as aforesaid. Penalty of clerk

§ 5. Lands and lots heretofore forfeited to the state, may be assessed to the original owners, if listed by them; if not listed, they shall be assessed to the state; and the clerk of the county court shall compute the amount of back taxes, interest and cost, due thereon, and note the amount opposite each tract or lot. The collector shall proceed to collect said amounts, by sale or otherwise, the same as other revenue, and his receipt for the said amount, including the taxes of the current year, shall be evidence of redemption of said tract or lot, from all claims for the taxes of the years specified in said receipt. All deeds made by the auditor of public accounts, under the provisions of chapter eighty-nine, revised statutes, shall have the same force and effect as tax deeds executed by sheriffs Lands heretofore
forfeited to
state.

under said law. All auditors' deeds given under said act, shall be *prima facie* evidence that all the prerequisites of the law were complied with before sale; and when it shall be made to appear to the satisfaction of the county court, that any tract or lot sold or redeemed under the provisions of said chapter, was not taxable at the time of sale to the state, or was assessed twice for the taxes of that year, the said court shall cause said sale to be cancelled, and shall enter an order showing the amount paid to the county, and the amount paid to the state on said erroneous sale. The court shall refund to the purchaser, or his legal representative, the amount paid to the county; and the auditor shall issue his warrant on the treasurer for the amount paid to the state, upon the presentation of a certified copy of said order and the return of the deed, if a deed has been issued for said tract or lot. But if it shall appear that the taxes had been properly paid to the collector, and through his neglect the lands or lots were sold, or forfeited to the state, then the purchaser shall have his remedy against the collector, and may proceed against him by action of debt in any court having competent jurisdiction; *Provided*, that if the clerk shall not have paid the redemption or sale money into the treasury, as required by law, he shall refund the amount to the purchaser, or the person redeeming, as the case may be, and if said clerk shall refuse or neglect to pay the same, the person entitled to receive said amount shall have his remedy against said clerk, and may proceed against him by action of debt in any court having competent jurisdiction.

Duty of clerk
of co'ty com.
court.

§ 6. The clerk of the county commissioners' court of the several counties shall make out and deliver to the assessor, on or before the first day of July next, a list of all the forfeited lands and town lots remaining unsold, or unredeemed on the first day of June, 1849, and it shall be the duty of the assessor to assess said lands and lots, and make return thereof, as is required by law for the assessing of other property. The clerk shall make out and deliver to the collector, at the same time that he delivers the assessment books for the current year, a correct list of said property, showing the value, amount of tax, amount of back taxes and interest, (including the taxes for which forfeited,) the amount of costs, and the year or years for which said back taxes are charged; and the said collector shall proceed to collect the amounts due thereon, by sale or otherwise, as is, or may be, provided by law for the collection of the taxes on other lands and town lots; *Provided*, that if any such lands or town lots shall again be forfeited to the state at said sale, for want of bidders, the collector shall sell them on the last day of sale, to the highest bidder, without regard to the amount due thereon, and the clerk shall deliver to the purchaser a certificate of purchase, which shall entitle him to a deed from the auditor, as is now provided for by law; *Provided, further*, that the owner or owners of any such lands or lots may redeem the same at any time within one year from the time that said lands or lots were sold, by paying to the clerk of the county court double the amount for which said lands or lots were sold, and the subsequent taxes, with interest thereon; and if any such lands and town lots were sold for a less sum than the amount due thereon, he shall pay the whole amount due, with interest thereon.

Proviso.

§ 7. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1849.

AN ACT to amend an act entitled "an act to suppress riots and regulating companies, and maintain the supremacy of the laws," approved February 26, 1847.

In force
Jan. 25, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the eighth section of the act approved February 26th, 1847, entitled "an act to suppress riots and regulating companies, and maintain the supremacy of the laws," be, and the same is hereby, repealed, and that the remainder of said act be continued in full force.

§ 2. This act shall go into effect from and after its passage.

APPROVED January 25, 1849.

AN ACT to amend chapter fifty-nine of the revised statutes of 1845.

In force
Feb. 8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That in all cases of trial before justices of the peace, either party shall have a right to have the same tried by a jury, without regard to the amount in controversy, on the same terms and in the same manner as is now provided in cases where the amount in controversy exceeds twenty dollars.

Trial by jury
for any am't.

§ 2. The manner of summoning jurors, referred to in the first section of this act, shall be the same as provided by law in trials now before justices of the peace, and said justices of the peace shall issue the same kind of precept to compel the attendance of jurors, and in all things the service of said process, and the proceedings before said justices, shall be the same as in cases now provided for by law, when the amount in controversy exceeds twenty dollars.

Manner of sum-
moning jury.

§ 3. This act shall be in force from and after its passage.

APPROVED February 8, 1849.

AN ACT to amend the twenty-fourth chapter of the revised laws, entitled "conveyances."

In force
Feb. 8, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That all deeds, conveyances, and powers of attorney, for the conveyance of lands lying within this state, may be acknowledged or proved before any of the consuls of the United States in foreign countries, who shall authenticate the same by their signatures and by attaching their consular seal thereto.

Deeds, &c. may
be proved be-
fore consuls,
&c.

§ 2. All deeds, conveyances, and powers of attorney, for the conveyance of lands lying in this state, which have been, or may be, acknowledged or proved, and authenticated as aforesaid, or in conformity with the laws of any foreign state, kingdom, empire, or country, shall be deemed as good and valid in law as though acknowledged or proved in conformity with the existing laws of this state.

Former deeds
good.

Prima facie evidence.

Proviso.

§ 3. That where any deed, conveyance, or power of attorney, has been, or may be, acknowledged or proved, in any foreign state, kingdom, empire, or country, the certificate of any consul of the United States in said country, under his official seal, that the said deed, conveyance, or power of attorney, is executed in conformity with such foreign law, shall be deemed and taken as *prima facie* evidence thereof; *Provided*, that any other legal mode of proving that the same is executed in conformity with such foreign law, may be resorted to in any court in which the question of such execution or acknowledgment may arise.

§ 4. This act to be in force from and after its passage.
APPROVED February 8, 1849.

In force
April 13, 1849.

AN ACT to amend the sixty-sixth chapter of the revised statutes, entitled
"limitations."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That all actions of trespass, detainue, trover, and replevin; all actions founded on any promissory note, bill of exchange, book account, or simple contract; all actions founded on any promissory note, bond, judgment, contract, or indebtedness executed, rendered, entered into, or accrued, beyond the limits of this state; and all actions on the case, shall be commenced within five years next after such recovery, or the cause of such action shall have accrued, and not after. All parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

§ 2. This act shall be subject to the same conditions as are provided in the twelfth section of the sixty-sixth section [chapter] of the revised statutes, entitled "limitations."

APPROVED February 10, 1849.

In force
Feb. 10, 1849.

AN ACT to amend chapter thirty-six of the revised statutes, entitled "ejectments."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That exceptions taken to opinions or decisions of the circuit courts overruling motions for new trial, and to set aside defaults, under the thirtieth and thirty-first sections of the act to which this is an amendment, shall be allowed by the said courts, and the party excepting may assign for error in the supreme court any opinion or decision so excepted to, as aforesaid.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1849.

AN ACT to amend the act entitled "evidence and depositions," revised statutes, chapter forty.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That hereafter, on the trial of any suit in chancery, the evidence on the part of either plaintiff or defendant may be given orally, under the same rules and regulations as evidence in cases at common law; *Provided, however,* that depositions taken in pursuance of law may still be read in evidence, as if this act had not been passed.

APPROVED February 12, 1849.

AN ACT to provide for the right of way for purposes therein expressed.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That Benjamin Newell, his heirs and assigns, of the county of Bureau, and state of Illinois, is hereby authorised and empowered to construct a canal from the Illinois river, commencing at or near the mouth of Negro creek, in the county of Bureau, to the Lake Depeau, for the purposes of navigation from said river through said lake aforesaid.

Powers to con-
struct a canal.

§ 2. The said Benjamin Newell, his heirs and assigns, is hereby authorised and empowered to enter upon all lands necessary for the construction of said canal, paying the owners of the same damages for the right of way across said lands; and in the event of disagreement between the said Benjamin Newell, his heirs and assigns, and any other person or persons, owning said lands, as to the amount of such damages, the same shall be ascertained in the manner provided in chapter ninety-two, revised statutes, concerning right of way.

To enter upon
lands.

§ 3. The improvement authorised by this act, shall be so far completed as to admit of the passage of boats through said canal within two years from the passage of this act, or the privileges granted by this act shall be forfeited.

Time of com-
pletion.

§ 4. The said Benjamin Newell, his heirs and assigns, shall not be authorised to demand and receive tolls for the passage of boats or other craft through said canal.

Tolls.

APPROVED February 12, 1849.

AN ACT declaring the Saline river navigable in Saline county.

In force
Jan. 25, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the navigation of the Saline river is hereby extended from McFarling's old mill up to S. Garis' mill, in Saline county.

Navigation ex-
tended.

§ 2. If any person or persons shall obstruct, or cause to be obstructed, said river, so as to render the same inconvenient or dan-

Penalty for ob-
structing.

gerous to pass with boats, such person or persons so offending shall be liable to indictment before a grand jury, or upon information on oath, before a justice of the peace of the proper county, and on conviction thereof, shall pay a fine not exceeding one hundred dollars, with costs of suit; such fine, when collected, to be paid into the treasury of the school district or township in which the offence shall have been committed, to be applied to school purposes. This act to be in force from and after its passage.

APPROVED January 25, 1849.

In force
April 13, 1849.

AN ACT concerning the jurisdiction of the state of Illinois over the Ohio river.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That hereafter the jurisdiction of the state of Illinois shall be considered as extending, and as being concurrent with the state of Kentucky, over the Ohio river.

§ 2. Each of the several counties of this state, lying on the Ohio river and bounded thereby, are hereby invested with concurrent jurisdiction over the said river, in all cases occurring on said river, and opposite to each of the said counties.

§ 3. Nothing herein contained shall be so construed as to extend the jurisdiction of said state over any islands in said river included within the corporate limits of any county in the said state of Kentucky.

APPROVED February 9, 1849.

In force
Feb. 6, 1849.

AN ACT to make a levee and other improvements on the Wabash river.

Vote to be taken.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That a vote shall be taken by the legal voters of Lawrence county, at the next regular election to be held in said county, for and against a special tax to be levied by the county commissioners' court of said county, in the manner hereinafter specified, and that a poll shall be opened at said election, by the judges thereof, for that purpose, and a return of the vote shall be made to the clerk of the county commissioners' court, as in other cases, and the clerk shall lay before the county commissioners' court an abstract of said vote.

Majority may
levy tax.

§ 2. If a majority of said votes shall have voted in favor of levying said special tax, it shall become the duty of the county commissioners' court, at the term of the court in each and every year thereafter, at which said court shall levy a tax for county purposes, also to assess a special tax, not exceeding five cents on the one hundred dollars' worth of taxable property, real and personal, and a column in the tax book shall designate the amount to be collected from each person, and which may be paid into the county treasury when collected, to be set apart by the county commissioners' court

of said county as a fund for the construction, repair, and preservation of a levee from a point on the Wabash river, at or near the town of Russellville, to the mouth of the Embarrass river.

§ 3. The county commissioners' court of said county shall appoint some discreet person superintendent, and it shall be the duty of said superintendent to procure hands to labor in constructing said levee, and shall have power to adopt such measures as he shall deem necessary for the construction, repair, and preservation of a levee or embankment of sufficient height and strength to confine the water of the Wabash river within said levee or embankment, and prevent the overflow of the adjacent country. Superintendent.

§ 4. The said superintendent shall procure the services of a competent engineer to make a survey of the ground upon which said embankment is intended to be made, [and] an estimate of the probable cost of the construction of said work, who shall make a report of the same; which report shall be laid before the county commissioners' court, and if the estimated cost of said improvement shall exceed the amount of money in the treasury appropriated for the same; the construction of said work shall be delayed until a sufficient sum shall have been realised to defray the cost and expense of the construction of said improvement, or the said court, in its discretion, shall direct said superintendent to proceed with the construction of the work, and shall, after the expenditure of the money in the treasury, issue special county orders, bearing interest at the rate of six per cent. per annum from the date of the issuing of said orders, in amount not exceeding three times the whole amount of said special tax levied for the first year; which county orders shall be reimbursable, with interest, at the expiration of four years from the date of the same, to be paid out of said fund provided as aforesaid. To cause survey. And report. Issue county orders.

§ 5. The said superintendent shall enter into bond, with security, to be approved by said court, payable to the county commissioners of said county, and their successors in office, in such sum as the said court shall direct, conditioned for the faithful performance of his duties as such superintendent; and said superintendent shall be removable at the pleasure of said court, for good cause shown. Enter into bond

§ 6. The said superintendent shall keep a true and faithful account of the labor performed by hands, and of materials furnished, under him; which shall be returned to the next term of said court, and thereupon the said county commissioners' court shall direct and order to be issued to each and every person having performed labor or furnished materials for the construction of said work aforesaid, for the amount which may be due such person or persons. To keep a correct account.

§ 7. The clerk of the county commissioners' court shall keep, in a separate book, to be furnished by him, a true and correct account of the expenditures authorised under this act. Duty of clerk of the co. com. court.

§ 8. The said superintendent shall be allowed the sum of one dollar and fifty cents for each day necessarily engaged in the performance of his duties contemplated in this act. Compensation of sup'dant.

§ 2. This act to be in force from and after its passage.

APPROVED February 6, 1849.

In force
April 13, 1849.

AN ACT for the improvement of the navigation of Rock river, and for the production of hydraulic power.

Authority given
to construct
dams.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That, for the purpose of obtaining, with as little delay as practicable, a slack water navigation on Rock river, within this state, and for the production of hydraulic power by the same, authority be, and the same is hereby, granted, for the construction of as many dams across said river as shall be necessary to produce a sufficient depth for slack water navigation; and so soon as the whole or any considerable number of dams shall be constructed under the provisions of this act, and the legislature shall be of opinion that the public good requires the construction of locks therein, they hereby reserve the right to require the same, of such dimensions and materials, conferring such rights and privileges, and imposing such restrictions as they shall deem equitable and just.

Duty of owners
of dams.

§ 2. It shall be the duty of the owners of any dam constructed under the provisions of this act, to provide in the same a good and sufficient shute for the passage of rafts and flatboats; such shutes to be not less than forty feet in width, and with a suitable slope in proportion to the head of water produced by said dam.

To sue out writ
of *ad quod damnum*.

§ 3. It shall be the duty of any person or persons, body corporate or politic, before proceeding to construct any such dam as is provided for in this act, to sue out a writ of *ad quod damnum*, as provided for in chapter seventy-one of the revised statutes of this state; and all proceedings in relation to the same shall conform to said act.

Ten persons
may form a
company.

§ 4. For the purpose of accomplishing the objects set forth in the foregoing sections of this act, any number of persons, not less than ten, may associate as a company and be incorporated as such, as hereinafter provided, by filing in the office of the county clerk a certificate, signed by each and every person interested, setting forth the amount of their capital stock, the number of shares subscribed for by each, with the name by which the company is to be designated; which certificate shall be recorded and accessible in proper office hours to any person interested. For the filing and preservation of said certificate, said clerk shall be entitled to charge and receive one dollar.

To be a body
politic.

§ 5. Every company organised under the provisions of this act, shall be, and it is hereby, created a body corporate and politic, by the name and style as hereinbefore provided, and by that name shall be, and are hereby, made capable in law to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court of record, or other place whatever, to make, have, and use a common seal, and the same to alter or renew at pleasure; and shall be, and are hereby, vested with all the privileges, powers, and immunities, which are or may be necessary to carry the purposes and objects of this act into effect; and are made capable of purchasing, holding, and conveying real and personal estate, of contracting and being contracted with, and every such corporation is hereby authorised and empowered to locate, construct, and finally complete a dam or dams across said river in conformity to the provisions of this act, in such manner and form as the company shall deem most expedient.

§ 6. The government and direction of the officers of every such company shall be vested in a board of not less than five directors, who shall be chosen annually by the members of the company, in the manner hereinafter provided, and shall hold their respective offices until their successors are duly elected and qualified; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duties, and a treasurer, who shall give bond to said company, with securities and for a sum to be approved by the directors, for the faithful performance of his trust.

Board of directors.

§ 7. The president and directors of every such company are hereby authorised and empowered, by themselves or their agents, to exercise all powers herein granted to such company, for the purpose of locating and constructing said dams; to purchase and hold land, materials, and the necessary things for the building and use of the same; and to make such equal assessments as may be necessary from time to time on all shares in said company.

Powers, &c., of president and directors.

§ 8. Every such company shall be the sole owners of the water power to be produced by the dam by it constructed, and may let, contract, or lease the same, or any part thereof, for any species of machinery or manufactories, or may themselves use the same, or any part thereof, and may erect such offices, buildings, mills, works, and machinery, as may be necessary to carry on the business.

Water power owned by company.

§ 9. The annual meeting of every such company shall be held at such time and place as may be designated by a majority of the members; at which meeting the directors shall be chosen by ballot; each member being entitled to as many votes as he holds shares; *Provided*, that at least ten days' notice of the time and place of holding the first annual meeting, shall be given by publishing the same in a newspaper printed at or nearest to the place where any such dam is to be erected, or by posting notices of the same in three public places in said vicinity.

Annual meeting of company.

§ 10. Every such corporation shall be liable for all damages that may arise to any person or corporation, by overflowing of land or other property, caused by the erection of any such dam; to be recovered in the manner provided by law.

Liability of corporation.

§ 11. It shall be the duty of the directors of every such company to divide and pay to the shareholders their just proportion of the profits arising from their works, and to pay no more than a just equivalent for services rendered by officers and others in the employ of the company; and it shall be the duty of the treasurer annually to prepare a written statement of the receipts and expenditures of such company, and to file the same, verified by affidavit, in the office of the county clerk of the county in which their dam shall be located, on the first Monday of each and every year.

Dividends.

§ 12. The capital stock of any company organised under the provisions of this act, shall be not less than ten, nor more than thirty thousand dollars, to be divided into shares of twenty-five dollars each. The subscribers for each share shall be held accountable to the directors, and all other persons interested, for the full amount of the stock severally subscribed for, and the owners in law or equity of the stock

Capital stock.

of said companies shall be held personally responsible for any debts or liabilities incurred by the company beyond the amount of the capital stock of the company subscribed.

Other companies may avail themselves of this act.

§ 13. The Rockford Hydraulic and Manufacturing Company, and any other company heretofore incorporated for the improvement of the navigation of Rock river, may avail themselves of the provisions of this act, subject, however, to all its requirements, and entitled to all its privileges, on their complying with the requirements of the fourth section hereof, and filing their acceptance of the same, signed by all the officers and directors of such company, in the office of the county clerk, within ninety days after the passage of this act.

§ 14. This act shall be deemed and taken as a public act, and as such shall be taken notice of by all courts of justice in this state, without the necessity of pleading the same.

APPROVED February 5, 1849.

In force
April 13, 1849.

AN ACT to provide for the construction of plank roads, by a general law.

May form company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* Any number of persons, not less than five, may be formed into a corporation for the construction of a plank road, by complying with the following requisitions, to wit: Notice shall be given in each county through which any plank road is intended to be constructed, of the time and place or places where books for subscribing to the stock of such road will be opened, by publication three weeks consecutively in at least one newspaper [published] in said county or counties; or if there be no newspaper published in said county, by posting up printed or written notices, for three weeks, on the door of the court-house, and on the door of the post-office nearest each terminus of the proposed road. When stock to the amount of five hundred dollars for every mile of the road intended to be constructed shall be subscribed, and five per cent. paid thereon, the subscribers may, upon due and proper notice, elect directors for the said company, not less than three in number, who shall hold their offices until others are elected. The stockholders shall severally subscribe articles of association, in which shall be set forth the name of the company, the number of years that it is to exist, which shall not exceed thirty years from the date of said article; the number of shares of which the said stock shall consist; the names of the directors first elected; the places from and to which the proposed road is to be constructed, and each township, town, or city, through which it is intended to pass, and its length, as near as may be; the name of each subscriber, and his place of residence, and the number of shares of stock subscribed by him.

Notice.

Am't of stock.

Subscribe articles.

Affidavit.

Upon the filing of said articles of association, with an affidavit of at least three directors affixed thereto, that the foregoing requisitions have in good faith been complied with, in the office of the secretary of state, the subscribers of stock as aforesaid, and all persons who shall from time to time become stockholders in said

association, shall be a body corporate, and shall possess and exercise all the powers and privileges of bodies corporate.

§ 2. A copy of any articles of association filed in pursuance of this act, with a copy of the affidavit, certified by the secretary of state, shall in all courts and places be presumptive evidence of the incorporation of said company, and of the facts therein stated. Evidence of incorporation.

§ 3. Within two weeks after the formation of any company by virtue of this act, the directors thereof shall designate some place within a county, in which, according to the articles of association of such company, its road, or some part thereof, is to be constructed, as the office of said company; and shall give public notice thereof by publication in a public newspaper, published in such county, (if there be a newspaper so published,) for three successive weeks, and shall file a copy of such notice in the office of the clerk of the county court of every county in which any part of such road is to be constructed. And if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid, before it shall take place; in which notice the time of making the change shall be specified. Every notice, summons, or other paper, required by law to be served on such company, may be served by leaving the same at such office, with any person having charge thereof, at any time between nine o'clock A. M., and noon, and between two and five o'clock P. M., of any day, except Sundays and the fourth day of July. Duty of directors.

§ 4. It shall be the duty of the directors of said company to keep at their office, by the secretary, treasurer, or clerk, a book containing the names of all persons who are, or shall, within six years, have been stockholders of such company, a statement of their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the holders of stock; which book shall, in office hours, as defined in section three of this act, be open for the inspection of all persons who may desire to examine the same; and every and any person shall have the right to make extracts from such book. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against said company, or against one or more stockholders. Every officer or agent of any company, who shall neglect to make any proper entry in such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor; and for every such refusal or neglect of such officer or agent, the company shall forfeit and pay to the party injured a penalty of fifty dollars, and all the damages resulting therefrom. Every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit the sum of fifty dollars for every day it shall so neglect; which penalty, when recovered, shall be paid into the treasury of the county, or if there be more than one, into the treasuries of the counties, in equal proportions, in which the road is constructed. To keep office, books, &c.

§ 5. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company, but no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such company, according to the provisions of this act, unless such transfer Penalty of officers.
Shares personal property.

shall be entered on the book required to be kept as aforesaid at the office of the company; and such entry shall shew to and from whom transferred, and the date of transfer.

§ 6. The directors of any company incorporated under this act, may require payment of the sums subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall see fit, under the penalty of the forfeiture of their stock, and all previous payments thereon; and they shall give notice of the payments thus required, and of the place and time when and where the same are to be made, at least thirty days previous to the payment of the same, in one newspaper printed in each county in or through which the road is located, or by sending such notice to such stockholder by mail, directed to him at his usual place of residence.

§ 7. The business and property of each company shall be managed and conducted by a board of directors, consisting of not less than three nor more than nine, who, after the first year, shall be elected at such time and place as shall be provided by the by-laws of such corporation, and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in a newspaper printed in each county in or through which the road of such company may be located; or if no newspaper be published in such county, by posting up notices. The election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors, and shall hold their offices for one year, and until others are elected. No person shall be a director unless he is a stockholder in the company, and no stockholder shall be permitted to vote at any election for directors, on any stock except such as he has owned for the thirty days next preceding the election. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of the year by the remaining directors.

§ 8. Any company formed under the provisions of this act may procure, by purchase or gift, from the owners thereof, any lands, or the right of way over any lands, necessary for the construction of the proposed road; and may also agree to the use of any part of a public highway for the construction of a plank road, with the county court of the county in which such highway may be situated. Such agreement with said court shall be in writing, and shall be filed and recorded in the office of the clerk of the said court. Before constructing the road over such land as may be acquired by gift or purchase, or over any highway by agreement with the county court, such company shall cause an accurate survey of such road, or section of road, to be made by a practical surveyor, signed by two of the directors, acknowledged by them as conveyances of real estate are required to be acknowledged, and filed in the office of the clerk of the county court.

§ 9. Whenever said company shall be desirous of constructing a plank road over any land not acquired by them by gift, purchase, or agreement, application shall be made to the county court of the county in which such land shall be, for authority to lay out and construct such road, and to take the land necessary for such purposes;

Notice.

Board of directors.

Ballot.

Vacancy.

May procure right of way.

Cause survey.

To apply to co. court.

which application shall set forth the route of the proposed road as the same shall have been described in the articles of association. Public notice shall be given of such application, by publication for four successive weeks in a newspaper published in said county, if there be one published, and by posting up, for four successive weeks, a written or printed notice thereof, on the door of the court-house of said county. Public notice.

§ 10. Upon the hearing of the said application, all persons residing in said county, and all persons having any interest in any real estate through which said road is intended to be constructed, may appear and be heard. Such county court may take testimony in relation to such application, and may adjourn the hearing from time to time, in its discretion. Parties to appear.

§ 11. The county court, if such an application be granted, shall appoint three persons, having no interest in the stock of the proposed road, nor in the land over which said road is intended to be constructed, as commissioners to lay out said road. If such company shall intend to construct its road continuously in or through more than one county, three commissioners shall be appointed by the county court of each county, and the joint commissioners so appointed shall lay out the whole route. The said commissioners, after taking an oath justly, and fairly, and impartially to perform their duty, shall cause an accurate survey and description to be made of such route, and of the land necessary to be taken for the construction of such road, and the necessary buildings and gates; which survey shall be acknowledged as deeds are required to be acknowledged and filed in the office of the clerk of the county court. Where joint commissioners act, appointed by different counties, they shall make a separate survey for each county, to be acknowledged, and filed as aforesaid. The commissioners appointed by each county court, shall at the same time assess the damages which each owner or owners of land in their respective counties will sustain, over and above the additional value which such lands will derive from the construction of the road, and make a report thereof in writing, signed by a majority of the commissioners, to the county court appointing them. The said commissioners shall hear all persons interested, who shall apply to them to be heard. The company shall pay each of said commissioners two dollars for every day spent by him in the performance of his duties, and his necessary expenses. Duty of county court.
Three commissioners may be appointed.
To take oath.
Their duty.
To assess damages.

§ 12. No road shall be laid out through any orchard, to the injury or destruction of fruit trees, or through any garden, nor through any dwelling-house, or buildings connected therewith, or any yards or enclosures necessary for the use and enjoyment of such dwelling, without the consent of the owner; nor shall any such company bridge any stream, where the same is navigable by steamboats, or in any manner that will prevent or endanger the passage of any flat-boat or raft of the width of twenty-five feet. To hear all persons interested.
Orchards, &c., not to be injured.
Streams not to be obstructed.

§ 13. The route laid out and surveyed as aforesaid, shall be the route of said road; and such company may enter upon, and take, and hold, subject to the provisions of this act, all such lands as the said survey shall describe as necessary for the construction of such road, and the necessary buildings and gates. But before entering upon any such lands, the company shall purchase the same of the owners Route as surveyed.
To purchase lands.

thereof, or pursuant to the provisions of this act, acquire the right to enter upon and hold the same.

In case of inability of owner to sell land.

Company may petition.

§ 14. If any owner of any such land shall, from any cause, be incapable of selling the same; or if such company cannot agree with such owner, for the purchase thereof; or if, after diligent inquiry, the name and residence of any such owner cannot be ascertained, the company may present to the county judge of the county in which the lands lie, a petition setting forth the grounds of the application, a description of the lands in question, and the name and residence of the owner, if known, and the means that have been taken to ascertain the name and residence of such owner, if unknown, and praying that the damages of the owner of the lands described in the petition may be ascertained.

Duty of judge.

§ 15. Upon receiving such petition, the said judge shall appoint a time, at some regular or special term of the county court, for the hearing of the petition. At least ten days' notice of the time and place of the hearing of the petition, shall be served personally upon each owner of the lands described in the petition, if he reside in the state of Illinois; and such notice shall be served on all other owners in like manner, or by publication thereof, for four successive weeks, in some newspaper published in the county in which the lands lie; or if there are none published in such county, then in the nearest newspaper; the first of which publications shall be sixty days before the hearing.

County court to assess and determine damages.

To hear testimony.

§ 16. At the time appointed for the hearing, if the assessment of damages reported by the commissioners be objected to by either party, by the consent of both parties, or those legally authorised to represent them, the county court shall assess and determine the damages which the owner of any lands will sustain, over and above the value the owner will derive from the building of the road. The court shall, in such assessment, hear any competent testimony either party may present, and shall have power, upon cause shewn, to adjourn the hearing from time to time. The court shall, at the time of making the assessment of damages, also determine the amount that ought to be paid to the owner for the time spent and necessary expenses incurred by him in respect to the proceedings to determine the damages; which shall be paid by the company. The assessment of the court, which shall contain the name of the owner and an accurate description of the lands to be taken, shall be entered of record, and such assessment shall be final.

Assessment of court final.

Trial by jury.

§ 17. At the time appointed for [the] hearing before the county court, if the assessment of damages reported by the commissioners be objected to by either party, and a trial by jury demanded; or if there be no person legally authorised to act for the owner, it shall be so entered of record in the county court, and such entry, with a copy of the application, shall be certified by the clerk of the county court, and filed by him in the office of the clerk of the circuit court, who shall docket the same.

Cases for trial.

§ 18. Such case shall stand for trial in its order on the docket, at the term of the circuit court next after the filing of the papers by the county clerk as aforesaid, if the owner appears in person or by attorney, or if satisfactory evidence be furnished to the court by affidavit, or the return of a sworn officer, that notice of the time and place of the hearing of the petition before the county court had been

served upon the owners personally or by publication, as provided in section fifteen of this act.

§ 19. In case any lands described in the petition shall be owned by any married woman, infant, idiot, or insane person, or by a non-resident of the state, and no person legally authorised to represent him, her, or them, shall appear, the circuit court shall appoint some competent and suitable person, having no interest adverse to the owner, to take care of the said owner's interest in the proceedings to assess damages to be paid to the owner. And all such notices as in the further progress of the case are required to be served on any owner, shall be served in like manner on the person so appointed, but any person so appointed may at any time be superseded by the owner. Lands own'd by married women, non-residents, &c.
Notice.

§ 20. Cases of assessment of damages, except so far as is otherwise provided by this act, shall be conducted in the circuit court, according to the rules of practice of said court, so far as such rules are applicable. The jury, after hearing the evidence and the parties, shall, by a verdict, ascertain and determine the damages which the owner of any lands will sustain over and above the value the owner will derive from the construction of the road, and also the amount that ought to be paid to him for the time spent and the necessary expenses incurred by him in the proceeding to assess damages, to be paid by the company. Such verdict shall be in writing, signed by the jury, and shall contain a particular description of the land in respect to which it is found, and be entered of record. The court may, in its discretion, on the application of the company, direct two or more similar cases standing for trial at the same term, to be submitted to the same jury. Circuit court.
Verdict of jury

§ 21. Within thirty days after the rendition of any such verdict, or if a new trial be granted, or an appeal taken, within thirty days after the final trial, or decision in the appellate court, or within thirty days after the assessment of damages by the county court, if made by that court, the company shall pay to the person entitled to receive the same, the amount awarded by the county court, if tried by consent by that court, or awarded by the jury if tried in the circuit court, or shall make a legal tender thereof to him; and the company may thereupon enter upon the lands in respect to which an assessment of damages has been made, and take and hold the same so long as it shall be used for the purposes of such a road as such company was formed to construct. Duty of comp'y to pay.

§ 22. If any person be not a resident of this state, or cannot be found therein after diligent search, the company may furnish to the county judge satisfactory proof, by affidavit, of such fact, and he shall thereupon make an order, that the amount to be paid to the owner shall be deposited with the county treasurer of the county in which the lands lie, for the use of the owner, and notice of such payment to be given by publication for four successive weeks in some newspaper published in said county, or if none be published in said county, in the nearest newspaper. Upon satisfactory proof being made to the judge, by affidavit, of such payment to the county treasurer, and publication, he shall make an order authorising the company to take possession of the land in respect to which the damages have been thus assessed and deposited, under which order the company may enter upon, take, and hold such land in the same manner, and with the same effect, as if payment had been made to Non-resident may be proven by affidavit.
Notice.

the owner personally. The orders and affidavits made under this section shall be filed in the office of the clerk of the county court.

How constructed. § 23. Every plank road made by virtue of this act, shall be so constructed as to make a secure and permanent road, the track of which shall be made of plank, and in such manner as to permit wagons and other vehicles conveniently and easily to pass each other, and also so as to permit all vehicles to pass on and off where such road is intersected by other roads.

Inspectors. § 24. In each county of this state, in which there shall be any plank road constructed by virtue of this act, the county court shall appoint three inspectors of such roads, who shall not be interested in any plank road, and who shall hold their offices during the pleasure of the court. Before entering on their duties they shall take an oath faithfully to perform the duties of their office, and file the same in the office of the clerk of the county court.

Take oath.

Road to be inspected. § 25. Whenever any such company shall have completed their road, or any two consecutive miles thereof, application may be made to any two of the inspectors, to be appointed as aforesaid by the court of the county in which the road, or the part thereof to be inspected, is constructed, to inspect the same; which inspectors shall be allowed two dollars per day for the time necessarily employed, to be paid by the company whose road they inspect; and if they find that the road so inspected, or two or more miles thereof, is constructed according to the true intent and meaning of this act, and is fit for use, they shall sign a certificate to that effect.

Compensation.

To certify.

May erect toll gates. § 26. Upon filing a certificate as aforesaid of the inspectors, or two of them, in the office of the clerk of the county court, the company may erect one or more toll-gates upon the road, and may demand and receive toll, not exceeding the following rates: For every vehicle drawn by one animal, two cents per mile; for every vehicle drawn by two animals, three cents a mile; for every vehicle drawn by more than two animals, three cents a mile, and one half cent additional a mile for every animal more than two; for every ten of neat cattle, one cent a mile; for every ten of sheep or swine, one cent a mile; and for every horse and rider, or led horse, one cent per mile.

Rates of toll.

Liability of stockholders. § 27. The stockholders of every company incorporated under this act, shall be liable in their individual capacity for the payment of the debts of such company, for an amount equal to the amount of stock they severally have subscribed or hold in said company over and above such stock, to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder; and any stockholder who may have paid any demand against such company, either voluntarily, or by compulsion, shall have a right to resort to the rest of the stockholders liable, for contribution. The dissolution of any company shall not release or affect the liability of any stockholder, which may have been incurred before such dissolution.

Am't of debts of company. § 28. The debts and liabilities of any company formed under this act shall not exceed in amount, at any one time, fifty per cent. of the amount of its capital actually paid in; and if such debts and liabilities shall at any time exceed such amount, the stockholders who were such at the time any excess of debts or liabilities shall be created or incurred, shall be jointly and severally individually

Liability for excess.

liable for such excess, in addition to their other individual liability as provided in this act.

§ 29. In any action against any company formed under the provisions of this act, the plaintiff may include as defendants any one or more of the stockholders of such company, who shall, by virtue of the provisions of this act, be claimed to be liable to contribute to the payment of the plaintiff's claim; and if judgment be given against such company, in favor of the plaintiff, for his claim, or any part thereof, and one or more stockholders so made defendants shall be found to be liable as aforesaid, judgment shall be given against him or them, and shall shew the extent of his or their liabilities individually. The execution upon such judgment shall direct the collection of the sum for which it may be issued, of the property of such company liable to be levied upon by virtue thereof; and in case such property sufficient to satisfy the same cannot be found, that the deficiency, or so much thereof as the stockholders who shall be defendants in such judgment shall be liable to pay, shall be collected of the property of such stockholders respectively. And if in any such action any one or more of such stockholders shall be found not to be liable for the demand of the plaintiff, or any part thereof, judgment shall be given for the stockholders so found not to be liable, but no verdict or judgment in favor of any such stockholders shall prevent the plaintiff in such action from proceeding therein against the company alone, or against the company and such defendants who are stockholders as shall be liable for such demand, or some portion thereof. Suits may be brought against one or more stockholders who are claimed to be liable for any debt owing by the company, or any part of such debt, without joining the company in such suit, but no such suit shall be so brought, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or the company shall have been dissolved, and in such suit there may be a verdict and judgment in favor of any defendant not liable as aforesaid, but such verdict and judgment shall not prevent the plaintiff in such suit from proceeding therein against any defendant who shall be liable as aforesaid.

Parties to suits.

Judgment and execution.

Satisfaction of execution.

§ 30. Where any services shall be rendered by any officer or person in the proceedings under this act, and no specific fees have been fixed by law, the compensation to be paid by the company to such officer or person, shall be taxed by the court under whose direction the services may have been rendered.

Fees for service.

§ 31. Any plank road, and its appurtenances, that may be constructed by virtue of this act, shall, for revenue purposes, be deemed real estate, and be liable as such to taxation.

Taxation.

§ 32. All companies formed under this act, shall, for any violation of its provisions, to be determined by a judicial investigation, forfeit its corporate privileges. Such companies shall at all times be subject to visitation and examination by the legislature, or a committee appointed by either house thereof, or by any officer or agent in pursuance of law.

Forfeiture of corporate privileges.

§ 33. Every company incorporated under this act shall cease to be a body corporate, if within two years from the filing of their articles of association they shall not have commenced the construction of their road, and actually expended thereon at least ten per cent. of the capital stock of such company; or if within five years

Com'y to cease, if not in operation in two years.

from such filing of the articles of association such road shall not be completed according to the provisions of this act.

County court
authorised to
take stock.

§ 34. The county court of any county is hereby authorised to subscribe to the stock of any plank road lying in said county, to an amount not exceeding one-third of said stock, and such county shall be subject to all the liabilities and have all the rights of a stockholder, as provided by this act.

APPROVED February 12, 1849.

In force
April 13, 1849.

AN ACT to provide for the location of certain state roads therein named.

Commi'sners in
Tazewell co.
Do. in Logan co
Do. in Macon co

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That William Doolittle, of Tazewell county, and Robert Downing, of Logan county, and Edwisten McClellen, of Macon county, are hereby appointed commissioners to mark out and locate a state road from Pekin, in Tazewell county, through Postville and Mount Pulaski, in Logan county; thence to Decatur, in Macon county. Two or all of said commissioners shall within six months from the passage of this act meet at Dillon, in Tazewell county, and proceed to perform the duties required by this act.

Road in Greene
co, state road.

§ 2. The road established as a county road leading from Carrollton, in Greene county, to Columbiana, is hereby declared a state road, and the several supervisors connected with said road shall open and work said road accordingly.

Com'issioners
in Calhoun co.

§ 3. That Stephen Farrow, Augustus Bartlett, and William A. Shannon, of Calhoun county, are hereby appointed commissioners to view and locate a state road from the Illinois river, opposite to the town of Columbiana, in Greene county, to Hamburg, in Calhoun county, Illinois.

Com'issioners
in McHenry co

§ 4. That D. Hammer, of McHenry county, and Daniel W. Lamb, of De Kalb county, and W. Pineo, are hereby appointed commissioners to view and locate a state road from Sycamore, in De Kalb county, through Charter Grove, to Marengo, in McHenry county, on the nearest and best route.

Com'issioners
of Sangamon
and Morgan
counties.

§ 5. That James D. Smith, Barton Whereit, of Sangamon county, and Richard Nelson, of Morgan county, are hereby appointed commissioners to locate a state road, beginning at Waverly, in Morgan county; thence to the south-east corner of section four (4) in township fourteen (14) north of range eight (8,) west of third principal meridian; and thence north to the line dividing the counties of Sangamon and Morgan; thence with the said line to the township line between townships fifteen and sixteen, and thence north, same course, to the county road on the line between sections thirty-four and twenty-seven, in township sixteen north, range eight, west of the third principal meridian; thence west with said line and said county road to the said line dividing said counties; and thence north with said county line to the intersection thereof with the state road leading from Springfield to Beardstown; and thence to some eligible point on Sangamon river at or near Miller's ferry. Said commissioners, or a majority of them, shall, within

nine months from the passage of this act, meet at Waverly and proceed to perform the duties required of them by this act.

§ 6. That Levi M. Bonham and Benjamin Matheny, of Jasper county, and William D. Crouch, of Clark county, are hereby appointed commissioners to view and mark out a state road commencing at Newton, in Jasper county; thence to the town of Granville; thence near the farm of William Seamon, in said county; thence to Johnson's mill; thence to Martinsville, in Clark county.

Com'issioners
in Jasper co.

§ 7. That the proviso to the sixth section of the act entitled an "act to locate a state road and build a bridge, approved February 27, 1847," be, and the same is hereby, repealed. And that Thomas Keys is hereby authorised to associate with him in the construction of said bridge, John Carter, Robert Alterin, George W. Brooks, and Alfred Tucker, instead of the said Alexander Wyatt and William McAdams; *Provided*, that the two latter persons consent thereto. And said Keys and his associates are hereby allowed three years from the passage of this act within which time to commence the erection of said toll-bridge. And the rate of tolls to be charged upon said bridge may be agreed upon between said associates and the county court of Clinton county.

Law of 1847 re-
pealed.

Thos. Keys and
others to build
bridge.

§ 8. That Thomas Jones, of Macon county, and A. G. Snyder and McClure Wilson, of Moultrie county, are hereby appointed commissioners to meet at Sullivan, in Moultrie county, and mark out and locate a state road from thence to Decatur, in Macon county.

Com'issioners
in Macon and
Moultrie.

§ 9. That M. Cunningham, of Marion county, James Baldrige, of Jefferson county, and Abner Jallifson, of Washington county, are hereby appointed commissioners to review and locate a state road commencing at Walnut Hill village; thence through Marion, Jefferson, and Washington counties, on the nearest and best route, to intersect the road from Nashville to Belleville at the Okaw Bottom.

Do. in Marion
and Washing-
ton.

§ 10. That James M. Robinson, of Menard county, and William Lynn, of Cass county, and William H. Nelms, of Mason county, and Hugh Lamaster, of Fulton county, are hereby appointed commissioners to view and locate a state road commencing at Petersburg, in Menard county, *via* Sycamore ford, on the Sangamon river, and Bath, on the Illinois river, to Lewiston, in Fulton county.

Do. in Menard
and Cass.

§ 11. That William Chinnoworth, Winfield T. Crane, and Michael Snyder, are hereby appointed commissioners to view and locate a state road commencing at Marion, in Williamson county, to Pinckneyville, in Perry county.

Do. in William-
son and Perry.

§ 12. That Henry Porter, of Lee county, and Henry Childs, of Bureau county, and J. P. Thompson, of La Salle county, are hereby appointed commissioners to view and locate a state road commencing at Peru, in La Salle county; thence to Knox's Grove, in Lee county.

Do. Lee co.

§ 13. That A. B. Sheriff, of Mercer county, and Samuel Wood and Erastus Rice, of Warren county, are hereby appointed commissioners to view and locate a state road commencing at Monmouth, in Warren county; thence to Keithsburgh, in Mercer county.

Do Mercer and
Warren.

§ 14. That E. L. Mago, of De Kalb county, and Calvin Spencer and Franklin Sofford, of McHenry county, are hereby appointed

Do. De Kalb, &c.

commissioners to view and locate a state road commencing at Sycamore, in De Kalb county; thence to Marengo, in McHenry county; thence north on the section line, or as near as practicable, to the Chicago and Roscoe state road; thence to the state line, where the road from Douglass crosses said state line.

Commissioners
of Kane co.

§ 15. That Elijah Wilcox, Augustus Adams, and Luther Her-
rick, of Kane county, are hereby appointed commissioners to view
and locate a state road commencing at a point on the state road be-
tween Elgin and Sycamore; thence to the village of Clinton; thence
across Fox river to the state road between Elgin and the Des
Plaines river.

Do. Bureau, La
Salle, &c.

§ 16. That John P. Thompson, of Peru, and Peter J. Dodge, of
Bureau county, and Solomon Porter, of Lee county, are hereby ap-
pointed commissioners to view and locate a state road commencing
at the point where the Chicago road crosses the Ottawa state road
at Ovid A. Knox's Grove; thence along the Ottawa state road an
easterly direction, from one to three miles; thence south through
the Dutch settlement, west of the village of Homer; thence to the
village of Peru.

County com'rs
of Lee co.

§ 17. That the county commissioners' court of Lee county is
hereby authorised to file and record upon the records of said court,
the report of Duncan Ferguson, of Winnebago county, and P. B.
Bennett, of Ogle county, and Charles H. Sutphin, of La Salle
county, commissioners appointed to view and locate a state road
provided for in the second section of "an act to locate, re-locate, and
establish certain state roads," approved March 1, 1847, and that the
said report be deemed and taken to be as good and lawful as if the
same had been made and recorded within the time prescribed by
the aforesaid act.

Acts of J. Mc-
Lemore & oth-
ers legalised.

§ 18. That the acts of John W. M'Lemore and A. W. Worthington,
in viewing, surveying, marking, and locating a state road, provided
for in the eighth section of "an act to locate, re-locate, and estab-
lish certain state roads," approved March 1, 1847, be, and the same
are hereby, deemed to be as good and lawful as if all the commis-
sioners named in said act, had joined and assisted in the duties as-
signed them by said act.

Duty of each
board of com-
missioners.

§ 19. It shall be the duty of each and every board of commis-
sioners appointed by this act, to meet at a suitable place, and as
early as practicable proceed to view and ascertain the most eligible
route, taking into view the shortest distance and the erection of
bridges across water courses, and the permanency of the road; and
in all cases they shall ascertain, as far as practicable, where dam-
ages are due, or will be claimed by individuals through whose lands
any of the roads hereby authorised may run, and report the proba-
ble amount thereof, and the names of the owners of such lands
and property, to the county commissioners' court of the county in
which said lands may be situated at the time of making their report.

Com'rs in Ran-
dolph & Perry.

§ 20. That Joseph I. Swanwick, Anthony Steel, and James
Steel, jr., of the counties of Randolph, Washington, and Perry, are
hereby appointed commissioners to view and locate a state road to
commence at Nashville, in Washington county; thence to Joseph
Swanwick's, in Perry county; thence to Georgetown, in Randolph
county; and thence to the town of Chester, in Randolph county.

Road vacated.

§ 21. And whereas the trustees of schools of section sixteen in
township fifteen (15) north of range eight (8,) west of the third

principal meridian, and the owners of said section desire the vacation of the road reservation therein; therefore,

Be it further enacted by the people of the state of Illinois, represented in the general assembly, That the strip of land four (4) rods wide, running through the centre of said section from north to south, and which strip was laid off by said trustees in platting said section for sale for a road, and which strip, so laid off, was in the sale of said section reserved from sale for the purposes aforesaid, shall no longer be held and set apart for the purposes of a public highway; and that said strip of land, so reserved as aforesaid, shall be held and enjoyed by the owners of the lots on either side of the same, the owner of each lot holding and enjoying the same to the centre thereof.

And land restored to former owners.

§ 22. Said commissioners shall return a plat with the courses and distances, with such remarks in their report as they may deem material in relation to the road, for the information of the court and the interest of the public, returning a plat to each commissioners' court of each county through which any road may pass, giving an entire view of the location of the whole road, which shall be filed and recorded.

Com'rs, make plat.

§ 23. In all cases the compensation shall be as follows, viz: To a commissioner, one dollar per day; to a surveyor, two dollars; to chainmen, and axemen, and other hands, seventy-five cents for each day necessarily employed, exclusive of incidental expenses for provisions, forage, and the hire of teams. They shall keep an accurate account of the time employed and the amount of expenses incurred, the person to whom due, and certify the same to the court or courts, as the case may require, the whole being added; each county shall allow and pay the amount due, in proportion to the distance or length of road in each county as contemplated, as certified by the road commissioners, a full exhibit being made to each court, which allowance shall be made by the respective courts.

Compensation.

§ 24. It shall be the duty of each and every commissioners' court through whose county any road herein authorised and established may pass, to cause the same to be opened, worked, and kept in good repair, as far as the road labor of the hands of the county and the means of the county will justify.

Duty of com'rs' court.

§ 25. In all cases of road commissioners or reviewers appointed by the state, or any county commissioners' court, it shall be lawful for them to be sworn in by a justice of the peace, or any clerk or other officer authorised by law to administer oaths.

To be sworn by justice of the peace.

§ 26. Any two commissioners appointed by this act shall constitute a board of reviewers, and they may view and locate the proposed roads, and the concurrent acts of any two of them shall be held to be in full compliance with this act.

Board of reviewers.

§ 27. That part of the state road leading from Franklin to Jacksonville that passes through the town of Liberty, in Morgan county, is hereby changed, as follows, viz: The said road, when it strikes lot number nine running from [Franklin to] Jacksonville, shall run north to the line between lots eight and nine; thence west on the line between lots number eight and nine, to the north-west corner of lot nine; thence north on the line between lots number seven and eight to the south-east corner of lot number two; thence west on the line between lots two and seven; to the south-

Road from Franklin to Jacksonville.

east corner of lot number three, to intersect the present road at that place. It shall be the duty of the supervisor to work the said road as hereby changed.

APPROVED February 12, 1849.

In force
April 13, 1849.

AN ACT to locate a state road therein named.

Com'rs in Jack-
son and Ran-
dolph.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That James Barrow and William Bradley, of Jackson county, together with John Gillespie, of Randolph county, be, and they are hereby, appointed commissioners to lay out and establish a state road which shall commence at or near the house of William Bradley, in Jackson county, and run a westerly direction, as nearly as the nature of the ground will permit, until it intersects the Murphysboro and Chester road, in Gillespie's prairie, in Randolph county—having due regard to private property.

To meet on first
of July.

§ 2. That said commissioners shall meet on or before the first day of July, in the year of our Lord one thousand eight hundred and forty-nine, or as soon thereafter as possible, at the house of William Bradley, and take an oath before some justice of the peace of Jackson county, to perform the duties required of them by this law.

To make two
plats.

§ 3. When said commissioners shall have viewed the said ground, and shall have established the said road, it shall be their duty to make two plats of the same—one for the county of Jackson, and one for the county of Randolph, and proceed to lay said plats before the commissioners of said counties, or their respective county courts, as the case may be, as soon as practicable after the completion of said plats.

Plats to be evi-
dence.

§ 4. That said plats shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the county commissioners, or county courts, as the case may be, to record the said plats in the books of their respective offices.

APPROVED January 25, 1849.

In force
April 13, 1849.

AN ACT giving certain commissioners further time to make their report.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That Eli Barnes, John Easterbrooks, and Jesse Kellogg, commissioners appointed to view, survey, and locate a road from Ottawa, in La Salle county, to Madison, the seat of government of Wisconsin territory, be allowed until the first of November, A. D. 1849, to make their report.

APPROVED January 25, 1849.

AN ACT to establish a state road from Mulkytown, in Franklin county, to Chester, in Randolph county.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That Ephraim G. Reese and Jonathan G. Clark, of Perry county, and Isaac Brown, of Randolph county, be, and they are hereby, appointed commissioners to lay out and establish a state road which shall commence at Mulkytown, in Franklin county, and run to Duquoin, in Perry county; thence to Beaucoup creek, at or near Cox's old ford; thence to Plum creek, where the Pinckneyville and Liberty road crosses said creek; thence to Georgetown, in Randolph county; and thence to Chester, in Randolph county aforesaid.

Com'rs in Perry and Randolph.

§ 2. It shall be the duty of said commissioners to proceed to Duquoin, in the county of Perry, upon the first of August after the passage of this act, or as soon thereafter as they may find convenient, and after having been sworn by some acting justice of the peace of said county, to view, mark, and locate a road as above designated—having due regard to private property.

Duty of com'rs.

§ 3. When the said commissioners shall have laid out and established the said road as aforesaid, they shall make out and deliver to the clerks of the counties through which said road passes, a copy or plat of said road; which plat, when so received by said clerks, shall be entered of record in their several offices, and the said entries, when so made, shall be evidence in all courts of this state of the existence of said road.

To make plat.

§ 4. The county commissioners, or county judges, as the case may be, of the several counties through which said road passes, shall allow to the said commissioners, and to the said clerks, a reasonable compensation for their services rendered as aforesaid, in proportion to the amount of labor performed in each county.

APPROVED February 2, 1849.

AN ACT to re-locate a part of the Wabash and Shelbyville state road.

In force
Feb. 9, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That so much of the Wabash and Shelbyville state road as was vacated by the act of the legislature, approved March 1, A. D. 1847, is hereby revived, with some alteration, that is to say—commencing at the end of the re-location of said road as located by said act, approved March 1, A. D. 1847, where said road crosses the range line between townships eight and nine; thence to follow the old location to the west line of James Delzel's land; thence upon a direct line to Muddy creek bridge; thence to Willow creek bridge, with the old location; thence to the town of Bellair, as re-located by the county commissioners' court of Crawford county; thence from said town Belleir to Benjamin Matheny's, in Jasper county, as now opened and kept in repair, be, and the same is hereby, declared a part of the Wabash and Shelbyville state road, and it shall be the duty of the county commissioners' courts of Crawford and Jasper counties to keep the same in repair.

State road revived.

§ 2. This act to take effect from and after its passage.

APPROVED February 9, 1849.

In force
Feb. 12, 1849.

AN ACT regulating the collection of the road tax.

Duty of clerk of
county court.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That hereafter the clerk of the county court shall not include in the lists required to be made out for the supervisors of roads, any road tax on lands or town lots which have not been listed by residents of the county; but shall charge the same, together with the revenue and other special tax, on the tax list made out for the collector.

Duty of collec-
tors.

§ 2. The collector shall collect the road tax aforesaid, and pay the same into the county treasury, to be disbursed and paid over to the supervisors of the several road districts, in proportion to the amount of property assessed in said districts upon which said tax was levied. The supervisors of the several road districts shall disburse the amount of tax received by them as aforesaid, and make return in the same manner as other road tax collected by them.

Duty of super-
visors.

To apply to '49.

§ 3. The provisions of this act shall apply to the assessment made in the current year, (1849) and subsequent years.

Clerk to make
out list.

§ 4. The clerk shall make out the list of resident road tax from the assessment of the previous year, which shall be delivered to each supervisor, on or before the first day of May in each year, including the current year, (1849.)

§ 5. This act shall take effect from and after its passage.
APPROVED February 12, 1849.

In force
Feb. 8, 1849.

AN ACT to amend the act entitled "an act forming the village of Prairie du Pont into a school district."

School directors
to be supervi-
sors.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the school trustees authorised to be elected by the first section of the act entitled "an act forming the village of Prairie du Pont into a school district," approved February 20, 1847, are hereby created "supervisors of the common of Prairie du Pont."

Powers and du-
ties.

§ 2. The said supervisors of the common of Prairie du Pont, and their successors in office, shall have power to institute and maintain actions of trespass in any court having jurisdiction of the same, and before any justice of the peace of said county of St. Clair, for the benefit of the citizens of Prairie du Pont, against any person or persons trespassing upon the commons attached to said town.

Proof.

§ 3. In all actions brought against any person or persons for trespassing upon said common, it shall be competent for the said plaintiffs to prove by parol the extent and boundaries of said commons; and a certificate, signed by the judge holding said election for school trustees, shall in all cases be deemed sufficient evidence of the election of said trustees.

Witnesses.

§ 4. In all actions arising under this act, or the act to which this is an amendment, the inhabitants of Prairie du Pont village shall be competent witnesses and jurors.

§ 5. This act to be in force from and after its passage.
APPROVED February 8, 1849.

AN ACT to provide for the equitable distribution of school funds in Effingham, Clay, and Cumberland counties.

In force
Jan. 30, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the school commissioners of Effingham, Clay, and Cumberland counties, be, and they are hereby, required to divide and apportion the interest on the school, college, and seminary fund, for each of said counties respectively, which occurred for the year eighteen hundred and forty-eight, among the several townships of said counties, upon an enumeration to be made on or before the first Monday of April, A. D. 1849.

This act to be in force from and after its passage.

APPROVED January 30, 1849.

AN ACT to establish and maintain common schools.

In force
April 13, 1849.

COMMON SCHOOL LANDS.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That section number sixteen in every township, granted to the state by the United States for the use of schools, and such sections or parts of sections as have been or may be granted as aforesaid, in lieu of all or part of section number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships, in which there is no section number sixteen, or where such section shall not contain the proper proportion for the use of schools in such fractional township, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

§ 2. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all, or the greater portion, of said lands. If any person shall, without being duly authorised, cut, fell, box, bore, destroy, or carry away, any tree, sapling, or log, standing or being upon any school lands, such person shall forfeit and pay, for every tree, sapling, or log, so felled, boxed, bored, destroyed, or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the trustees of schools of the township to which the land belongs, or by action *qui tam*, in the name of any person who will first sue for the same—one half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor. All penalties and fines imposed under the provisions of this section, shall

Common school
lands.

Business in the
co'ty with the
largest portion
of the land.

Penalty for in-
juring timber.

Mode of prose-
cution.

Pen'ty for tres-
pass.

Fines, how ap-
propriated.

Proviso. be paid to the township treasurer, and be added to the principal of the township fund; *Provided*, that when recovered by action *quittam*, one half only shall be paid.

STATE SUPERINTENDANT—HIS DUTIES.

Secretary state
ex officio state
superintendent,
his duties. § 3. The secretary of state shall be *ex officio* state superintendent of common schools. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools, and the most approved text books, maps, charts, apparatus, &c., to be used in common schools.

Address circulars,
&c. § 4. Said superintendent shall have the supervision of all the common schools in the state, and shall be the general adviser and assistant of school commissioners in the state. He shall from time to time, as he may deem for the interest of schools, address circular letters to said commissioners, giving advice as to the best manner of conducting schools, constructing school houses, and procuring competent teachers. He shall recommend the most approved text books, maps, charts, and apparatus, and shall urge uniformity in the use of the same, as well as in the manner of conducting common schools throughout the state, and shall use his influence to reduce to a system of practical operation the means of supporting common schools in the state.

Recommend
books, charts,
&c. § 5. The state superintendent shall, before the fifteenth day of December of every year, in which shall be holden a session of the general assembly, report to the governor, the condition of common schools in the several counties of the state; the number of schools in each county; the number taught by males; the number taught by females; the number of scholars in attendance, and the number of white persons in the county under twenty-one years of age; the amount of township funds; the amount annually expended for schools; the amount raised by an *ad valorem* tax; the number of school houses; together with such other information and suggestions as he may deem important in relation to the school laws, and the means of promoting common school education throughout the state; which report shall be laid before the general assembly at each regular session.

SCHOOL COMMISSIONERS—THEIR ELECTION AND DUTIES.

County school
commissioners. § 6. On the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November, every two years thereafter, there shall be elected, by the qualified voters of each and every county in this state, a school commissioner, who shall execute the duties herein required. He shall, before entering upon his duties, execute a bond, payable to the people of the state of Illinois, with two or more responsible freeholders as security, to be approved by the county court, in a penalty of not less than twelve thousand dollars, to be increased at the discretion of said court, in proportion to his responsibilities, conditioned that he will faithfully perform all the duties of school commissioner of said county, according to the laws which are or may be in force; by which bond the obligors shall be bound jointly and severally, and upon which an action, or actions, may be maintained by trus-

To file bond.

tees of schools of the proper township, for the use of any township or fund injured by any breach thereof; and joint action may be had for two or more funds.

§ 7. The bond required in the foregoing section shall be in the following form, viz:

State of Illinois, }
 county. } ss.

Form of school
 com'rs' bond.

Know all men by these presents, that we, A. B., C. D., and E. F., are held and firmly bound, jointly and severally, unto the people of the state of Illinois, in the penal sum of ——— dollars, to the payment of which we bind ourselves, our heirs, executors, and administrators, firmly by these presents. In witness whereof, we have hereunto set our hands and seals, this ——— day of ———, A. D. 184 .

The condition of the above obligation is such, that if the above bounden A. B., school commissioner of the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are, or may hereafter be in force, and shall deliver over to his successor in office, all moneys, books, papers, and property in his hands, as such school commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

A—— B——, [SEAL.]
 C—— D——, [SEAL.]
 E—— F——, [SEAL.]

§ 8. All contests in relation to the election of school commissioners shall be decided as in relation to sheriffs and coroners; and when any vacancy shall occur in the office of school commissioner, the county clerk shall give ten days' notice of the time and place of holding an election to fill such vacancy. He shall be elected by the legal voters of the county, and shall give bond and security as required in section seven hereof. The school commissioner shall attend to the collection of all demands in favor of the several townships of his county, to settling the accounts of trustees, and, when necessary, to the prosecution of suits for the recovery of demands in favor of townships; and all moneys collected shall be applied as required by law.

Contested elections of commissioners.

Vacancy.

To collect demands, and apply same.

§ 9. The said commissioner shall be liable to removal by the county court, for any palpable violation of law, or omission of duty; and if a majority of said court shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond; the execution of which shall not affect the old bond, or the liability of the security thereon.

To be subject to removal, or give new bond.

§ 10. The said commissioner shall provide three well bound books, to be known and designated by the letters, A, B, C, for the following purposes: In book A, he shall record at length, all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B, he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of lands sold, and the sum sold for. In

Provide books and make record.

Form of record.

book C, he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities, when personal security is taken, or if real estate be taken as security, a description of said real estate, or if paid out, to whom, when, and on what account, and the amount paid out; the list of sales, and the accounts of each township fund to be kept separate. Said books shall be paid for out of the county treasury of the counties in which they are used.

Books, how paid for.

Com'r to receive and file bond of township treasurer.

And deliver township funds.

§ 11. Whenever the bond of the township treasurer, approved by the trustees of schools, as required by law, shall be delivered by said trustees of schools, or either of them, to the school commissioner, he shall receive and file the same with the papers of the his office. He shall then, on demand, deliver to said township treasurer, who shall receipt therefor, all moneys in his hands belonging to said township; also, all bonds, mortgages, notes, and securities of every description, for money or property due or to become due the township, and all papers of every description, belonging, or in anywise pertaining, to the rights or interest of said township; and the receipt of said treasurer to the school commissioner shall be carefully preserved, and shall be evidence of the facts therein stated, as well in favor of the school commissioner as against the township treasurer.

Apportion amt due in auditor's warrants, in ratio of children.

§ 12. Upon receipt of the amount due upon the auditor's warrant, as provided in section eighty hereof, the school commissioner shall apportion said amount (except the two per cent. allowed said commissioner, as in section eighty-four hereof,) to the several townships and fractional townships in his county, according to the number of white children under the age of twenty-one years, and shall pay over the distributive share belonging to each township and fractional township as aforesaid, to the respective township treasurers, or other authorised persons, annually. When there is a county school fund in the hands of any school commissioner, it shall be loaned, and the interest applied as provided in this section with respect to the interest on the state fund.

County school fund to be loaned.

Com'r *ex officio* superintendant.

To visit schools

To examine teachers.

Qualification of teachers.

Certificate good for one year.

§ 13. Each and every school commissioner shall be *ex officio* superintendant of common schools in his county, and shall, by himself or some other qualified person, as often as practicable, visit all the townships in his county, inquire into the condition and manner of conducting schools in the same, and use his influence to carry out the system proposed by the state superintendant. He shall, also, by himself, or with such person or persons as he shall associate with him, upon application, examine all persons proposing to teach a common school in any township in his county, in relation to his or her moral character, and touching his or her qualifications properly to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States; and if he shall find such person of good moral character, and qualified properly to teach all the aforesaid branches, he shall give such person a certificate of qualification; which certificate shall be good and valid in said county for one year, from the date thereof; but the directors of any school district may, under their hands as directors, request the proper examining

officer or officers of their township to examine any teacher proposing to teach a common school in their district, upon any of the above specified branches, and to give a certificate of qualification to teach the branches specified in such request, if such teacher shall be found qualified to teach such branches; which certificate, when given, shall be as good and valid to all intents and purposes in the district of such directors as if such teacher had received the proper certificate for all of said seven branches; or a certificate may be given as provided in section forty-six hereof. The said school commissioner shall, also, by the first day of November before each session of the general assembly, communicate to the state superintendant all such information upon the subject of common schools in the county, as the state superintendant is bound to embody in his report to the governor, and such other information as the state superintendant shall require. The certificate to the teacher may be in the following form, viz:

Town's officers may examine upon any specified branch, and give certificate for specified branches.

Duty of superintend't of co. to report to state superintendant.

I, ———, school commissioner of ——— county, having examined A. B., do certify that he (or she) sustains a good moral character, and that he (or she) is well qualified to teach the following branches, viz: Orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States.

Form of certificate.

Witness my hand, this ——— day of ———, 18 .

C. D., *School Commissioner.*

[§ 14. The school commissioner, upon his removal or resignation, or at the expiration of his term of service, (or in case of his death, his representatives,) shall deliver over to his successor in office, on demand, all moneys, books, papers, and personal property, belonging to the office, or subject to the control or disposition of the school commissioner.]

Com'r to deliver over books, papers, &c.

§ 15. The school commissioner may loan any money, not interest, belonging to the county fund, or to any township fund, before the same is called for according to law by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers; and notes and mortgages taken in the name of the "school commissioner" of the proper county, shall be, and all loans heretofore made in the name of "school commissioners," are hereby, declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "school commissioners," on all notes and mortgages heretofore or hereafter made payable to school commissioners.

Com'r may loan money not called for.

Notes, mortgages, &c., to be valid.

SALE OF COMMON SCHOOL LANDS.

§ 16. When the inhabitants of any township or fractional township shall desire the sale of the common school land of the township or fractional township, they shall present a petition to the school commissioner of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the white male inhabitants of the township or fractional township, of and over twenty-one years of age. The signing of the petition must be in

School lands, how to apply for sale.

Petition--

- How to be signed, &c.** the presence of two citizens of the township, after the true meaning thereof shall have been explained, and when signed, an affidavit shall be affixed thereto, by the two citizens proving the signing in the manner aforesaid, and stating the number of white male inhabitants in the township or fractional township, of and over twenty-one years of age; and said petition so proved shall be delivered to the school commissioner for his action thereon; *Provided*, that no whole section shall be sold in any township containing less than fifty inhabitants, and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of fifty to six hundred and forty, but not before.
- Proviso.**
- Lands, how sold.** § 17. When the petition and affidavits are delivered to the school commissioner as aforesaid, he shall notify the trustees of schools of said township thereof, and said trustees of schools shall immediately proceed to divide the land into tracts or lots of such form and quantity as will produce the largest amount of money; and after making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined so that its boundaries may be forever ascertained. Said trustees of schools shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, (stating the value of each lot per acre, or per lot, if less than an acre,) and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the school commissioner, and shall govern him in advertising and selling said lands.
- To be valued.**
- Eighty acres.** § 18. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division may be made into town or village lots, with roads, streets, or alleys between them and through the same; and all such divisions, with all similar divisions hereaftermade, are hereby declared legal; and all such roads, streets, and alleys, public highways.
- Roads, &c.**
- Terms of sale.** § 19. The terms of selling common school land, shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the school commissioner the amount of his bid for any period not less than one nor more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided in section fifty hereof.
- Privilege to borrow school money.**
- Place of sale.** § 20. The place of selling common school lands shall be at the court-house of the county in which the lands situated; or the trustees of schools may direct the sale to be made on the premises; and upon the reception by the school commissioner of the plat and certificate of valuation from the trustees of schools, he shall proceed to advertise the said land for sale, in lots as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land, and stating the time, terms, and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein for four weeks before the day of sale; if none, then it shall be sold under the notice aforesaid.
- Notice.**
- Process of sale.** § 21. Upon the day appointed, the school commissioner shall proceed to make sales, as follows, viz: He shall begin at the lowest number of lots, and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation

by the trustees of schools. Sales shall be made between the hours of ten o'clock, A. M., and six o'clock, P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it.

§ 22. Upon closing the sales each day, the purchasers shall each pay, or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall be again offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failure to make such payment, the school commissioner may forthwith institute an action of debt or assumpsit, in his name, as commissioner, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

§ 23. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and school commissioners are authorised and required, when in their power, to sell all such lands at private sale, upon the terms at which they were offered at public sale.

§ 24. In all cases where common school lands have been heretofore valued, and have remained unsold for two years after having been offered for sale, or shall hereafter remain unsold that length of time, after being valued and offered for sale in conformity with this act, the trustees of schools of the townships where such lands are situated, may vacate the valuation thereof by an order to be entered on book A, of the school commissioner, and cause a new valuation to be made, if in their opinion the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the school commissioner a plat of such second valuation, with the order of vacation to be entered as aforesaid; whereupon said school commissioner shall proceed in selling said land in all respects as if no former valuation had been made; *Provided*, that the second valuation may be made by the trustees of schools without petition as provided in section seventeen hereof.

§ 25. Upon the completion of every sale by the purchaser, the school commissioner shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

§ 26. At the first regular term of the county court in each year, the school commissioner shall present to the court of his county—first, a statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book, (book B); second, state-

Hour of sale,&c

Purchaser to secure paym't each day on land to be again sold.

First purchaser to pay difference—how collected.

In case lands not sold, commis'ner to sell at private sale.

Lands unsold for two years, new valuation.

Com'r to sell.

Proviso.

Sales to be entered.

Certificate.

Com'r to report to co'ty court.

Form of report.

- ments of the amount of money received, paid, loaned out, and on hand, belonging to every township or fund under his control—the statement of each fund to be separate; third, statements copied from his loan book, (book C,) showing all the facts in regard to lands which are required to be stated upon the loan book; all of which the county court shall thereupon examine and compare with the vouchers, and the said county court, or so many of them as may be present at the term of the court, shall be liable individually to the fund injured, and to the securities of said school commissioner, in case judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them, required of them by this section; *Provided*, nothing herein contained shall be construed to exempt the securities of said school commissioner from any liability as such securities, but they shall still be liable to the fund injured, the same as if the county commissioners were not liable.
- Proviso.** § 27. The school commissioner shall, also, at the time aforesaid, transmit to the auditor of public accounts, a full and exact transcript from book B, of all the sales made subsequent to each report. The statements in section twenty-six hereof, required to be presented to the county court, shall be preserved and copied by the clerk of said court into a well bound book kept for that purpose, and the list transmitted to the auditor shall be filed, copied, and preserved in like manner.
- Com'r to forward trans'pt to auditor.**
- Duty of clerk of county court, and auditor.**
- Patent to purchaser.** § 28. Every purchaser of common school land shall be entitled to a patent from the state, conveying and assuring the title. Patents shall be made out by the auditor from returns made to him by the school commissioner. They shall contain a description of the land granted; shall be in the name of and signed by the governor, countersigned by the auditor, with the great seal of the state affixed thereto by the secretary of state, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the school commissioner of the proper county, to be by him delivered to the patentee, his heirs, or assigns, upon the return of the original certificate of purchase; which certificate, when returned, shall be filed and preserved by the school commissioner.
- Auditor.**
- Duplicate certificates on patents.** § 29. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase, and of patents, upon filing affidavit with the school commissioner in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of the originals.

TOWNSHIPS—TRUSTEES OF SCHOOLS.

- Townships.** § 30. Each congressional township, as surveyed and laid off by authority of the United States, is hereby established a township for school purposes. The business of the township shall be done by three trustees, to be elected by the legal voters of the township; and the said township, upon the election of trustees as aforesaid, as hereinafter provided for, shall be a body corporate and politic, by the name and style of "trustees of schools, of township —,
- Trustees elected.**
- Name, style, &c**

range —," according to the number. The said corporation shall Powers.
have perpetual existence, and shall have power to sue and be sued,
to plead and be impleaded, in all courts and places where judicial
proceedings are had. Said trustees of schools shall continue in Tenure of trust-
office two years, and until others are elected and enter upon the tees.
duties of their office.

§ 31. No person shall be eligible to the office of trustee of Qualification of
schools, unless he shall be twenty-one years of age, and a resident trustees.
of the township.

§ 32. The election of trustees of schools shall be on the second Election of
Saturday of January, biennially, but in townships where such elec- trustees.
tion has not been heretofore had, or where there are no trustees of
schools, the election of trustees of schools may be holden on any
Saturday; notice being given as hereinafter in this section required.
The first election shall be ordered, if in townships already incorpo-
rated, by the trustees of schools of the township, the township Notice.
treasurer giving notice of the time and place, by posting up notices
of the same at least ten days previous to the day of election, at or
in the school house, or in the most public place in every school dis-
trict in the township. If there are no trustees of schools in a town-
ship, the clerk of the county court shall cause the notice to be
given as aforesaid. For all subsequent elections, the like notices
shall be given by the trustees of schools, through the township
treasurer; *Provided*, that if, upon any day appointed as aforesaid, Proviso.
for election aforesaid, the said trustees of schools, or judges, as
specified in section thirty-four hereof, shall be of opinion, that, on
account of the small attendance of voters, the public good requires
it, or if the voters present, or a majority of them, shall desire it,
they shall postpone said election until the next Saturday, and [at]
the same place and hour; at which meeting the voters shall pro-
ceed as if it were not a postponed or adjourned meeting; *And*
provided, also, that if notice shall not have been given as above
required, then, and in that case, said election may be ordered as
aforesaid, and holden on the first Saturday in February, or any
other Saturday; notice thereof being given as aforesaid.

§ 33. That if the inhabitants of a township shall choose, they Inhabitants may
may, at any meeting, as in section thirty-two aforesaid, adopt the substitute com-
school commissioner to be in place of and discharge the duties of missioner for
trustees of schools, in relation to keeping and loaning the school trustee.
funds of the township; in which case, the school commissioner, in
the management of the township school funds, shall be in all re-
spects governed by the law in relation to the management of said
funds by the trustees of schools and township treasurers.

§ 34. Two of the trustees of schools of incorporated townships, Officers of elec-
if present, shall act as judges, and one as clerk of said election. tion.
If said trustees shall fail to attend, or refuse to act when present,
and in townships unincorporated, the qualified voters present shall
choose from amongst themselves three judges and a clerk to open
and conduct said election.

§ 35. The time and manner of opening, conducting, and closing Mode of elec-
said election, and the several liabilities appertaining to the judges tions, &c.
and clerks, and to the voters separately and collectively, and the
manner of contesting said elections, shall be the same as prescribed
by the general election laws of this state, defining the manner of
electing magistrates and constables, so far as applicable, subject to

the provisions of this act; *Provided*, the judges may close said election at four o'clock, P. M.

Voters. § 36. No person shall vote at said election unless he possesses the qualification of a voter at a general election. In case of a tie at such election, it shall be determined by lot, on the day of the election, by the judges thereof.

Tie.

Vacancy. § 37. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Saturday; notice to be given as required in section thirty-two hereof.

Poll-book delivered to com'r. § 38. Upon the election of trustees of schools, the judges of the election shall cause the poll-book of said election to be delivered to the school commissioner of the county, with a certificate thereon, showing the election of said trustees, and names of the persons elected; which poll-book, with the certificate, shall be filed by said commissioner, and shall be evidence of such election.

Powers of trustees and successors. § 39. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands appointed by the county commissioners' court, and of trustees of schools elected in townships under the the provisions of "an act making provisions for organising and maintaining common schools," approved February 26, 1841, and of "an act to establish and maintain common schools," approved February 26, 1845, and of "an act to establish and maintain common schools," approved March 1, 1847. All rights of property, and rights and causes of action, existing, or vested in the trustees of school lands, or trustees of schools appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools as successors, in as full and complete a manner as was vested in the school commissioner, the trustees of school lands, or the trustees of schools appointed and elected as aforesaid.

Trust's to meet half yearly, and duty. § 40. The trustees of the schools shall meet half yearly, on the first Saturday of April and October, and oftener, if necessary, at some convenient place in the township for the transaction of business; at any of which meetings two shall form a quorum. At every half yearly meeting they shall strictly examine all books, notes, mortgages, securities, funds, and papers of the corporation.

Trustees' duty. § 41. At each of their half yearly meetings, on the first Saturday of April and October, the trustees of schools shall proceed to ascertain the amount of state, county, and township funds liable to distribution, to wit: the interest actually on hand from the school, college, and seminary fund, and from the county school fund, and such of the interest, rents, issues, and profits arising from the township lands and funds as have accrued and become due since their last regular half yearly meeting, except the two per cent. and the three per cent. which the school commissioner is allowed to retain,

Funds.

To distribute. as in section eighty-four hereof. The said trustees shall immediately thereupon proceed to distribute the aggregate amount of state, county, and township funds thus ascertained to be liable to distribution, as follows: First, to the township treasurer, the two per cent. allowed him, as in section eighty-four hereof; second, for the payment of the books of the township treasurer, if anything be due for that purpose; third, for the payment of any reasonable charges for dividing common school lands, and making plats, &c., as provided for in this act; fourth, the balance they shall apportion

Manner of distribution.

to the several districts and parts of districts, in proportion to the number of white children under the age of twenty-one years, residing in each of such districts or parts of districts, respectively; and the said trustees shall distribute the several sums so apportioned to each district or part of districts, on the several schedules kept, certified and returned from each district and part of district, to the township treasurer, according to law, in proportion to the number of days, certified on such schedules respectively, to have been taught since the last regular return day fixed by the act for returning schedules to school directors; and the township treasurer shall, as soon as practicable, pay out the money so distributed to the several persons to whom it shall be distributed. The said trustees of schools shall also make such orders, not contrary to law, for the collection of the funds due, as in their discretion shall be most for the interest of the funds. They shall also, at their said half yearly meetings, ascertain the amount of tax money raised according to sections eighty-two and eighty-three hereof, if any, the treasurer has in hands belonging to any school district being wholly or partly in his township; and they shall see that the treasurer charges himself in his cash book in a separate column, in favor of the proper district, with the amount they shall find to be in his hands belonging to such district and the amount so ascertained to be in the hands of the treasurer shall be paid out as in this section directed. The trustees of schools shall also examine the certificate of the district directors, to which such tax fund belongs, required by the seventy-fourth section hereof to be returned to the township treasurer, and they shall thereupon direct the treasurer, by orders upon him, to pay the tax money aforesaid to the several persons who may appear to be entitled to it according to said certificate.

Treas'r to pay
over money.

Tax money, &c

Taxes belong-
ing to districts

§ 42. At their first meeting after their election, or at a subsequent meeting, the trustees of schools shall appoint a treasurer of the board, to be called township treasurer, [who] shall, before entering upon his duties, execute a bond, with two or more freeholders as securities, payable to the trustees of schools of the township for which he was appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer in township —, range —, according to law. The security shall be approved by the trustees of schools of the proper township, and the bond shall be delivered by said trustees to the school commissioner of the county. And every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer.

Trustees to ap-
point treas'er
of board.

Bond approved.

§ 43. The bond required in the foregoing section shall be in the following form, viz:

State of Illinois, }
— county. } ss.

Form of bond.

Know all men by these presents, that we, A. B., C. D., and E. F., are held and firmly bound, jointly and severally, unto the trustees of schools of township — in said county, in the penal sum of — dollars, for the payment of which we bind ourselves, our heirs, executors, and administrators, firmly by these presents. In witness whereof, we have hereunto set our hands and seals, this — day of —, A. D. 184 .

The condition of the above obligation is such, that if the above bounden A. B., township treasurer of township —, range —, in the county aforesaid, shall faithfully discharge all the duties of said office, according to the laws which now are, or may hereafter be, in force, and shall deliver to his successor in office all moneys, books, papers, securities, and property in his hands as such township treasurer, then this obligation to be void; otherwise to remain in full force and virtue.

A — B —, [SEAL.]
C — D —, [SEAL.]
E — F —, [SEAL.]

Approved and accepted by G. H. }
I. J. } *Trustees of schools.*
K. L. }

Trustees may remove treasurer, or sue him. § 44. The trustees of schools shall cause all moneys for the use of the township to be paid over to the township treasurer. They shall have power, also, to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order, or requisitions of said trustees of schools, legally made, or any other improper conduct in the discharge of his duty as treasurer. They shall also have power, for any failure or refusal as aforesaid, to sue him upon his bond, as provided in section fifty-eight hereof.

Trustees to be directors in certain cases. In townships where there is but one school district, said trustees shall perform the duties of school directors, and shall be liable in that capacity as school directors.

To form districts, &c. § 45. Trustees of schools shall have power, and it shall be their duty, to lay off the township or fractional township into school districts, suited to the wishes and convenience of a majority of inhabitants in each district, distinctly defining the same by boundaries and number, and make a certificate thereof, to be filed with and recorded by the county clerk, in a book kept for that purpose, to be paid out of the county treasury; to provide for the safe keeping of all funds and property of the township; to purchase and hold real estate in their corporate name, for the use of the inhabitants of the district where such real estate is situated, whereon to erect school houses; such real estate being first selected as provided in the eighty-first section of this act, to be paid for as shall be determined under the provisions of sections eighty-one, eighty-two, and eighty-three hereof; to adopt by-laws directing the mode of conducting schools, and defining and regulating the powers and duties of all officers and agents of the corporation wherein they are not regulated by this act; and to do and perform all other acts necessary to the support and maintenance of common schools in their townships, in conformity with the provisions of this act; *Provided*, that school districts may be formed out of parts of two or more townships or fractional townships, when the interests of the inhabitants will be promoted thereby; in which case the trustees of the schools of the townships interested shall act in conjunction in the formation of such districts; *And provided, further*, that districts may be altered at any time, by said trustees, to suit the wishes of a majority of [the inhabitants in] the districts interested.

To provide for safe keeping of all funds. To purchase & hold real estate. To adopt by-laws. *Proviso.* Districts may be altered.

Trustees or tp. treasurers to exam. teachers. § 46. Trustees of schools, or the township treasurer, shall have power, and it shall be their or his duty, by themselves, or with such person or persons as they or he shall associate with them or

himself, upon application, to examine all persons proposing to teach a common school in their township, in relation to his or her moral character, and touching his or her qualifications properly to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States, and if they or he find such person qualified to teach all of the above branches, and of good moral character, they or he shall give him or her a certificate accordingly; (or a certificate may be given as provided in section thirteen hereof) which certificate shall be good and valid in said township, or in the proper district, for one year from the date thereof. Said certificate may be in the following form, viz :

Qualifications.

Certificate.

We, trustees of schools in township —, range —, in — county, having examined A. B., do certify that he (or she) sustains a good moral character, and that he (or she) is well qualified to teach the following branches, viz: (Here insert the branches.) Witness our hands this — day of —, 18 .

Form.

C. D. }
E. F. } *Trustees of schools.*
I. J. }

Or if the treasurer make the examination, then he shall sign the certificate as treasurer of the proper township.

§ 47. The trustees of schools are hereby vested with general power and authority to purchase real estate, if in their opinion the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said trustees of schools or school commissioner are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said trustees, for the use of the inhabitants of said township, for school purposes; and all purchases of land heretofore made by school commissioners, or trustees of school lands, or trustees of schools, for the use of any fund or township for the use of schools, are hereby declared valid. The trustees of schools are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; to receive deeds of real estate in compromise; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments, and decrees, existing, or that may hereafter exist, for the benefit of the township, when the interest of said township or the fund concerned shall, in their opinion, require it, and their action shall be valid. Said trustees of schools are hereby authorised to lease or sell, at public auction, any land that may come into their possession, in such manner and on such terms as they shall deem for the interest of the township; *Provided*, that in all cases of sale of land, as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner, as is provided in this act for the sale of the sixteenth section.

Powers of trustees.

Satisfaction of judgments.

Power to make settlement of debts due, &c.

To lease or sell any land — as above.

TOWNSHIP TREASURER—DUTIES.

§ 48: Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, [the other a loan book. He shall charge himself in the cash book,] with all moneys received,

Township treasurer's duty.

stating the charge when, from whom, and on what account received; and credit himself with all moneys paid or loaned, the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or if real estate be taken, a description of the same. He shall also provide a book, to be called a journal, in which he shall record, fully and at length the acts, and proceedings of the trustees of schools, their orders, by-laws, and resolutions; which books shall be at all times subject to the inspection of said trustees, or of any committee appointed by the inhabitants of the township to examine the same. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where, or in what condition it is, as in the following form, viz :

Makers' names.	Date of note.	When due.	Amount.	Remarks.
A. B., C. D., E. F.	Jan. 1, 1845.	Jan. 1, 1846.	\$ 90 00	Jan. 6, '47, handed to I. J., esq., for collection (or Jan. 6, '47, paid.)

Loan of fund. § 49. The township treasurer shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution, according to section forty-one hereof: The rate of interest shall be ten per centum per annum, payable half yearly in advance. The time for which loans shall be made shall not be less than six months, nor more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible securities shall be given; for all sums over one hundred dollars, and for all loans for more than one year, security shall be given by mortgage on real estate, unencumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the trustees of schools for the time being. Notes, bonds, mortgages, and other securities, taken for money or other property, due or to become due to the trustees of schools for the township, shall be payable to the said trustees of schools by their corporate name; and in such name, suits, actions, and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of the corporation; *Provided, however,* that notes, bonds, mortgages, and other securities, in which the name of the school commissioner, or of the trustees of schools, are inserted, shall be valid to all intents and purposes; and suit shall be brought

Interest.

Securities.

Proviso.

in the name of trustees of schools, as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act.

§ 50. Mortgages to secure the payment of money loaned under the provisions of this act, may be in the following form, viz: Mortgage.

I, A. B., of the county of ———, and state of ———, do hereby grant, convey, and transfer to the trustees of schools of township ———, range ———, in the county of ———, and state of Illinois, for the use of the inhabitants of said township, the following described real estate, to wit: (Here insert the premises.) Which real estate I declare to be in mortgage for the payment of \$—— loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of ——— per cent. per annum until paid. And I hereby covenant to pay the said sum of money in ——— years from the date hereof, and to pay interest on the same at the rate aforesaid, half yearly in advance. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance; that I will pay all taxes and assessments which may be levied on said estate; that I will give any additional security that may at any time be required by said trustees of schools; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with, or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises. Form.

And in consideration of the premises, C., wife of said A. B., doth hereby release to the said trustees of schools all her right and title of dower in the aforegranted premises, for the purpose aforesaid.

In testimony whereof, we have hereunto set our hands and seals, this ——— day of ———, 18—.

A. B. [SEAL.]
C. D. [SEAL.]

Which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgagor paying the expenses thereof. Acknowledged and recorded.

§ 51. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained, and damages recovered, as upon other covenants; but mortgages made in any other form, to secure payment as aforesaid, shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included. Act'n on mortgage.

§ 52. In all cases where the trustees of schools shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon to the date of judgment; *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not including the physician's Proviso.

bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice upon the proper day, as other creditors, and have any debts, due as aforesaid, probated and classed, to be paid as aforesaid.

Default of paying intst due.

§ 53. If default be made in the payment of interest due upon money loaned by any school commissioner or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the trustees of schools, for the recovery of the half yearly interest, when due and unpaid; without suing for the principal, in whatsoever form secured, and justices of the peace shall have jurisdiction in such cases of all sums under one hundred dollars.

May sue for interest only.

Man'r of bringing suit.

§ 54. All suits brought, or actions instituted under the provisions of this act, may be brought or instituted in the name of "trustees of schools of township —, range —," except as is provided for action *qui tam* in section two hereof, and as provided in section fifty-eight in favor of school commissioners. The township treasurer shall demand, receive, and safely keep, according to law, all moneys, books, and papers of every description, belonging to his township. He shall keep the township fund loaned at interest; and if on the first Saturday of April there shall be any interest or other funds on hand which shall not be required for distribution, as provided in section forty-one hereof, such amount, not required as aforesaid, shall forever after be considered as principal in the funds to which it belongs, and loaned as such.

Treasurers to make returns semi-annually.

§ 55. On the first Monday of April and October of every year, the township treasurer shall lay before the trustees of schools, at their half yearly meetings, abstracts of the returns made by the school directors, as required in section sixty-six of this act, showing the number of all white children under the age of twenty-one years in each school district or part of district in his township. He shall also lay before them, so far as received, certificates of the directors of each school district, which lies wholly or partly in his township, showing all the facts required in section seventy-four of this act. He shall also lay before them a statement showing the amount of interest, rents, issues, and profits, that has accrued or become due since their last regular half-yearly meeting, on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees, all books, notes, bonds, mortgages, and all other evidence of indebtedness belonging to the township, for the examination of the trustees.

Other duties.

Treasurer to furnish abstract of no. of children in township.

§ 56. The township treasurer of each township in this state, shall, on or before the first Monday in November next, and on or before the first Monday in November biennially thereafter, furnish the school commissioner with an abstract of the whole number of white children under the age of twenty-one years residing in his township, and the directors and treasurers of townships which may be organised for school purposes, after the regular times fixed by

this act for making returns of children under twenty-one years, may make such returns at any time before the next regular return days, and the school commissioners shall distribute school funds to such newly organised townships upon such returns, the same as if the returns had been made at the regular times.

§ 57. So soon as practicable after a school district has been laid off by the trustees of schools, it shall be the duty of the township treasurer to give at least five days' notice, by posting up written notices in at least three public places in the said district, that on Saturday, the —, at ten o'clock, A. M., there will be a meeting of the legal voters of the district at (naming the place) for the purpose of electing three school directors; *Provided*, that the time of holding said election may be fixed at six o'clock, P. M., and that notice of all subsequent elections shall be given by school directors.

For election of school directors.

§ 58. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the trustees of schools upon his bond, to be recovered by action of debt by said trustees, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said trustees, or a majority of them, entered upon the journal and subscribed by said trustees, or a majority of them, then and in that case the trustees aforesaid, or those of them subscribing said requisition or order as aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by action of assumpsit, in the official name of the school commissioner, for the use of the proper township. It shall be the duty of the township treasurer to bring suit against the school directors, or either of them, for any neglect of duty, or any violation of this law, and in any such suit said directors shall be liable to the penalty specified in section sixty-seven of this act.

Penalty for failure of treasurer to do his duty.

Directors to be sued for neglect of duty.

§ 59. The township treasurer shall be *ex officio* superintendant of common schools in his township, in which capacity he shall visit, as often as practicable, the different schools in the township, confer freely with school directors and teachers, and communicate to them the plans and suggestions of the county and state superintendants, and use his influence to carry out such plans, and shall procure and furnish to the school commissioner all such information concerning his township, as said commissioner is obliged, according to sections five and thirteen hereof, to communicate to the state superintendant. The township treasurer shall continue in office until the expiration of the term of service of the trustees of schools by whom he was appointed, and until the appointment and qualification of a successor; but he shall be subject to removal, as provided in this act.

Township treasurer *ex officio* superintend't, and duty.

§ 60. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office, all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever, and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section, And penalty.

Duty of treasurer upon leaving office.

he shall be liable to a penalty of not less than ten, nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in no wise discharge or diminish the obligation of his official bond.

SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.

Elect'n of sch'l directors. § 61. It shall be the duty of the legal voters within each school district to meet at the school house, or other convenient place in the district, on the first Saturday of October next, or as soon thereafter as the township may be laid off into districts, and on the first Saturday of October biennially thereafter, and elect three persons within the district, to be styled school directors, who shall continue in office for the term of two years, and until their successors are elected. But the first election may be held on any Saturday, notice being given by the township treasurer, according to section fifty-seven hereof. The legal voters, when assembled, shall choose three of their number to act as judges, and one as clerk, at such election. In case of a tie of said election for school directors, it shall be determined by lot on the day of the election, by the judges thereof.

Powers of directors. § 62. A majority of said directors shall constitute a quorum to do business; and the board, when convened, shall have power to purchase libraries for the district, to be paid for out of the tax funds of the district; to adopt the necessary measures to execute the will of the legal voters of the district, expressed as is provided in section eighty-one hereof; to employ teachers and fix upon their compensation; to visit schools from time to time, and to make all such rules and regulations as may be necessary and proper, and not contrary to the laws of this state; *Provided*, that when there is but one school district in a township, the trustees of schools shall act as school directors for such district, and the township treasurer shall act as district treasurer. Said school directors are hereby authorised to receive and hold, by their name of school directors, for the use of schools in the district, any books purchased for or donated to the district library; and the same shall be kept and controlled and loaned to the inhabitants of the district, under twenty-one years of age, according to rules prescribed by said directors. But the librarian shall in no case receive any compensation out of the common school or township fund for his services as librarian.

Duty of directors. § 63. School directors shall attend the school or schools taught in their district from time to time, and see that the same is properly conducted; that the teacher keeps regular hours; that the school house is properly supplied with fuel, and with such furniture as from time to time may be necessary for the accommodation of scholars. They shall also have special regard to the keeping a schedule by the teacher, in such manner as to entitle him to compensation out of the common school or township fund, or tax fund of the district.

Directors to certify to amount due teachers. § 64. School directors shall carefully examine all schedules, when presented for that purpose, and after correcting all errors which they may discover, they shall make a certificate thereon, as near as practicable in the following form, viz:

State of Illinois, }
 county, } ss.

Form.

We, the undersigned school directors in district No. —, township —, range —, in the county aforesaid, certify that we have examined the foregoing schedule and find the same to be correct, and that the school was conducted according to law. There is now due the said D. C., as per contract, the sum of \$—, and that said teacher has a legal certificate of good moral character, and of qualifications to teach a common school. Witness our hands this — day of —, 18—.

C. F., }
 I. J., } School directors.
 G. H. }

§ 65. School directors shall certify no schedule that reaches back to a time more than six months from the time fixed by law for the regular return and presentation of schedules to the school directors. Schedules made and certified as aforesaid, shall, at least two days before the first Saturday of April and October, be delivered by the directors to the township treasurer. Directors limited as to date of schedule.

§ 66. It shall be the duty of the school directors of each school district to furnish the township treasurer of their township, by the first Monday of October next, and by the first Monday in October biennially thereafter, with the number of all white children under the age of twenty-one years, residing in their respective districts; *Provided*, that in townships containing not more than one school district, it shall be the duty of the trustees of schools to make such enumeration. Directors to furnish list of children to treasurer, biennially.

§ 67. School directors, or either of them, or the trustees of schools, as specified in the proviso of the preceding section, failing or refusing to make returns of children in their district, according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars, to be recovered by action of assumpsit, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund. Penalty for failure.

§ 68. Any one of said school directors shall have power, and upon request of at least ten legal voters of the district, it shall be his duty to post notices in at least three of the most public places in the district, ten days before the time appointed for meeting, calling a meeting of the legal voters of the district, to select a lot upon which to erect a school house, to adopt a plan of the house, to provide for its erection, for its furniture, and for the payment, or for any, or either, or all of said purposes, according to section eighty-one hereof. Lot for school house, how selected.

§ 69. School directors shall have power, by consenting thereto, in writing, to authorise any person residing in any other school district, in the same or any other township, to send his or her children to a school taught in their district; but the person so sending to school in a district in which he does not reside, shall not be entitled, for the children so sent, to any portion of the common school or township fund due or belonging to either of said districts, or to interfere with, or in any manner participate in, the management or control of said school. But if the person so sending to any district Adjacent districts to receive children.

Conditions.

other than the one in which he resides, shall first obtain the written consent of the school directors of the district in which he resides, and of the district to which he sends to school, by said directors, or a majority of them in each district subscribed, and present said consent, so subscribed, to the teacher of his children or wards, before his schedule is delivered to the school directors, to be appended by said teacher to the proper schedule, then, and in that case, the person so sending to another district shall be entitled to his proportion of the common school and township fund from his own district, the same as if he had sent to school in his own district.

Form of certificate.

§ 70. The certificates required in the foregoing section may be in the following form, viz: (That A. B. may send into a district in which he does not reside.)

We, school directors of district number (one,) in township number (ten north) of range number (one east of the third principal meridian,) in — county, do hereby give our consent that A. B. may send the children under his care, viz: P. Q. and R. S., to school in our district.

Witness our hands, this — day of —, 18—.

} *School directors.*

(That A. B. may send out of the district in which he resides:)

We, school directors of district number (two,) in township number (six north,) range number (one east of the third principal meridian,) in — county, do hereby give our consent that A. B., of our district, may send the children under his care, viz: P. Q. and R. S., to school in district number (one,) in township number (ten north, one east of the third principal meridian) in — county.

Witness our hands, this — day of —, 18—.

} *School directors.*

District clerk to be appointed.

§ 71. The district directors, upon their election, or as soon thereafter as practicable, shall agree upon and appoint one of their number clerk, who shall keep a record of all the official acts of the board of directors, in a book to be provided for that purpose.

Vacancy in board of directors, how filled.

When a vacancy shall occur in the board of directors, the remaining director or directors shall order an election to fill said vacancy, giving at least five days' notice by posting advertisements in at least three public places in the district. In case of a tie, it shall be decided by lot on the day of election by the judges of the election.

Taxation, how voted, and how collected.

§ 72. The district clerk shall make and certify to the clerk of the county court, before the first day of July in each year, a correct abstract of the votes and the amount of money voted to be raised at any meeting of the inhabitants under the provisions of sections eighty-two and eighty-three; and the said county clerk shall compute each taxable person's tax in said district, taking as a basis the total amount of taxable property returned by the county assessor for that year, lying and being in the district, whether belonging to

residents or non-residents, and also each and every tract of land assessed by the assessor, the larger part of which lies within said district. The county clerk shall cause each person's tax so computed to be set upon the tax book, to be delivered to the county collector for that year, in a separate column against each tax payer's name, or parcel of taxable property, as it appears on said collector's books, to be collected in the same manner and at the same time as state and county taxes. When collected, the township treasurer shall demand and receive the amount from the said collector, and enter the same in a separate account in his cash book; which shall be paid out by him on the order of the trustees of schools, as provided in section forty-one hereof. When a district is composed of parts of two or more townships, the directors shall determine and inform the collector in writing, under their hands as directors, which of the treasurers of the townships from which their district is formed, shall demand and receive the tax money collected by the county collector as aforesaid. The township treasurer shall receipt to the collector for the amount received as provided above; which receipt shall be evidence, as well in favor of the collector, as against the township treasurer.

§ 73. If the township treasurer shall fail or refuse, upon proper demand, to pay to any person or persons, his, her, or their proper proportion of the state, county, township, or tax funds, that he may have collected, and that may be due to such person or persons, according to the distribution of the trustees of schools as provided for in section forty-one hereof; and if the trustees of schools, upon notice in writing, from the person or persons to whom such distribution may have been made as aforesaid, that said treasurer does so fail or refuse, shall fail to cause payment to be made, or to remove said treasurer, then, and in that case, such person or persons may bring suit or suits against said trustees by their corporate name, before any court having jurisdiction thereof; and if said trustee of schools shall refuse to pay whatever judgment may be rendered against them upon suit and trial, within one month after the rendition of such judgment, and no appeal be taken, execution may be sued out thereon and levied upon the individual property of said trustees of schools.

Mode of enforcing collection of tax.

§ 74. The school directors of each district in which a tax has been levied by vote, according to the provisions of this act, shall, at least two days before the first Saturday in April and October, in each year, make out and deliver to the township treasurer who may be legally authorised to receive such tax from the county collector, a certificate subscribed by them as school directors, stating whether their district has levied a tax for the current year, and if so, for what purpose, and what rate of tax was levied; stating, also, how much, and to whom, their district is indebted for each of the items for which such tax may have been levied; which certificate may be in the following form, as near as circumstances will permit, viz:

Directors to report amt of tax, and for what purpose, before 1st Saturday of April and October.

The treasurer of township —, in — county, district No. —, in said township, is indebted, out of the tax fund of said district, as follows:

Form of certificate.

To A. B., for fuel furnished for use of the school	-	\$
To C. D., for purchase money for school-house lot	-	\$
To E. F., for building school house	- - -	\$
To G. H., for repairing “	- - -	\$

To I. J., for furnishing school house - - - \$

To L. M., on his schedule, returned according to law, since our last certificate - - - \$

The legal voters of said district did, on the — day of —, levy a tax at the rate of — cents per \$100, for the following purposes, viz :

(Here state the object for which the tax was levied.)

Witness our hands, this — day of —, 18—.

R. S. }
L. M. } *School directors.*
P. G. }

TEACHERS—THEIR DUTIES.

Teacher must have certificate of qualification.

§ 75. No teacher shall be entitled to any portion of the common school or township fund who shall not, before his employment, exhibit to the school directors of the district in which he proposes to teach a school, a certificate of qualification obtained under the provisions of section thirteen or section forty-six hereof; which certificate shall be good and valid for one year from the date thereof.

To make schedules.

Teachers shall make schedules of the names of all scholars under twenty-one years of age, attending their schools, in the form prescribed by this act; and when scholars reside in two or more districts, townships, or counties, separate schedules shall be kept for each district, township, or county; and the absence or presence of every scholar shall be set down under the proper date, and opposite the name, on every day that the school is open; the absence of a scholar shall be signified by a blank—the presence by a mark. The schedule, to be made and returned by the teacher, shall be, as near as circumstances will permit, in the following form, viz :

Form of schedule.

SCHEDULE of a Common School, kept by A. B., at —, in district number —, in township sixteen north, range five, west of the third principal meridian, in the county of —, in the state of Illinois.

Names of scholars attending my school, and residing in district number —, in township — north, range — west, in — county.	1897.		Monday, January 15	Tuesday " 16	Wednesday " 17	Thursday " 18	Friday " 19	Monday " 22	Tuesday " 23	Wednesday " 24	Thursday " 25	Friday " 26	Monday " 29	Tuesday " 30	Wednesday " 31	Thursday, Feb'y 1	Friday " 2	Monday " 5	Tuesday " 6	Wednesday " 7	Thursday " 8	Friday " 9	Total No. of days of each scholar.
John Smith,				1	1		1	1	1	1	1		1	1			1	1	1		1	1	14
Isaac Meslier,					1	1		1	1	1	1	1	1		1			1	1	1		1	12
Sarah Danforth,	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
Mary Newman	1	1	1				1	1	1	1	1	1	1		1	1	1	1	1	1	1	1	18

Grand total number of days - - - - -

§ 76. In closing the schedule, the teacher shall make a list of the names of the scholars attending school, then add together the number of days which each scholar has attended, setting it down in the right hand column, (as in form,) which column he shall then add up, and set down the grand total number of days at the bottom of said column, (as in the form,) and when the schedule is thus closed, he shall certify to the correctness of the same; *Provided*, that nothing herein contained shall prevent the teaching a foreign language in an English school, as aforesaid.

The certificate shall be in the following form, viz :

Form of certificate.

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct; that it was a school for the purpose of teaching various branches of an English education, and that the common medium of communication in said school was the English language.

A. B., *Teacher*.

§ 77. When the teacher shall have completed his or her schedule, as above required, he or she shall deliver it to some one of the school directors of the proper district, on or before the last Saturday of March and September; and all schedules, whether for a whole or any portion of a term, shall be presented to the township treasurer at least two days before the first Saturday in April and October. Upon the receipt of the amount distributed by the township treasurer upon their schedules, teachers shall credit each scholar with the just proportion of the amount according to the number of days said scholar attended school, and the balance shall be the amount due said teacher. Each teacher shall teach sixty days for a quarter, unless otherwise agreed upon by him and the directors of the district.

Deliver schedule to director.
Time of delivery.

To credit each scholar amt received.

COMMON SCHOOL FUND—DISTRIBUTION TO COUNTIES.

§ 78. The common school fund of the state shall consist of the amount due from the state, according to a statement and settlement of the account between the state and that fund, under the provisions of an act entitled "an act to provide for the distribution and application of the interest on the school, college, and seminary fund," approved on the seventh February, one thousand eight hundred and thirty-five, and of all funds which have been or may be received by the state from the United States, for the use and support of common schools, and also of the money added to the common school fund which was received from the United States under an act of congress providing for a distribution of the surplus revenue of the United States, and which was vested in bank stock, by authority of the state; *Provided*, that in cases where, heretofore, the state taxes have not been collected in any county, such county shall not be entitled to a distribution of the college, seminary, and school fund, for the period of time that no such taxes have been collected, and that the portion of the fund aforesaid shall in such cases be distributed without regard to such county.

What shall constitute com'on school fund.

Proviso.

§ 79. The state shall pay an interest of six per centum per annum upon the amount of the aforesaid common school fund, which shall be paid annually, and applied to the support of common schools, as here-

State to pay six per cent. annually.

College & seminary fund.	in provided. The state shall also pay, as aforesaid, and at the same time, an interest of six per centum per annum upon the amount due the college and seminary fund; which interest shall be loaned to the common school fund, and known in this law and applied in all cases as interest on the common school fund as aforesaid.
Duty of auditor.	§ 80. On the first Monday in January, in each and every year, next after taking the census of the state, the auditor of public accounts shall, under the supervision of the commissioners of the school fund of the state, ascertain the number of white children in each county in the state, under twenty-one years of age, and shall thereupon make a dividend to each county of the interest due upon the school, college, and seminary fund, in proportion to the number of white children in each county, under the age aforesaid, and issue his warrant to the school commissioner of each county upon the collector thereof. And upon presentation of said warrant by
War'nt for dividend.	the school commissioner to the collector of his county, said collector shall pay over to the school commissioner the amount of said warrant out of the first specie funds which may be collected by him, and not otherwise appropriated by law, taking said commissioner's receipt therefor; and on settlement with the auditor, said collector shall be credited with the amount specified in said receipt, in the same manner as if it had been paid into the treasury. Dividends shall be made, as aforesaid, according to the proportions ascertained to be due to each county, annually thereafter, until another census shall have been taken, and then dividends shall be made and continued, as aforesaid, according to the last census; <i>Provided</i> , that if said collector shall file an affidavit with the school commissioner, that he is not, and has not been able to collect enough in gold and silver, over and above one and one-half mills in act thirty-nine in the appendix to the revised laws specified, to pay off said warrant, nor more upon it than he has paid, then, and in that case, the school commissioner shall receive auditor's warrants for the balance not paid in specie; otherwise said collector shall be liable to pay the whole amount in specie.
Collector to pay school com'r.	
Proviso.	
Collector may pay in warrants.	

**MEETING OF THE INHABITANTS OF DISTRICTS—SCHOOL LOTS—
HOUSES—TAXES.**

People may, by vote, locate school house.	§ 81. It shall be lawful for the legal voters of any school district to assemble, according to notice, as provided in section sixty-eight hereof, at the time and place appointed in said notice, for the purposes hereinafter in this section specified. They shall appoint one of their number chairman, and another secretary. They may then determine, by vote, the place upon which to erect a school house. If no place receive a majority of all the votes given, the two places receiving the highest number of votes shall then be voted for; and the place receiving a majority of the votes given shall be the place whereon to erect said school house. Said meeting shall then determine, by vote, the description or kind of house they will have, the amount and kind of furniture with which said house shall be supplied, and the manner in which the cost of said lot, of the building of said house, and of furniture aforesaid, or the cost of any, or either, or all of them, shall be defrayed, whether by individual subscription, or by an amount raised by taxation, or either of them. The secretary shall keep a true record of said meeting, and shall
Description of house.	
Furniture.	
Determine cost, and how to be raised.	

present it, certified by himself and the chairman, to the district directors.

TAXES.

§ 82. On the first Saturday of May next, and on the first Saturday of May annually thereafter, the inhabitants, legal voters of any school district in this state, may meet together at some convenient place in the district, for the purpose of voting for or against levying a tax for the support of common schools, for building and repairing school houses, or for other school purposes, or to pay existing debts, contracted for school purposes before that time, in the district. The school directors shall give ten days' notice of such meeting, by posting up notices in at least six public places in the district, setting forth therein the time, place, and object of such meeting; and said meeting shall be organised between the hours of one and three o'clock, P. M.; *Provided*, that if five of said inhabitants request it, school directors shall call such meeting to be holden upon any Saturday, notice to be given as aforesaid.

People to meet 1st Saturday in May annually, and vote for or against tax for school purposes.

May have called meetings.

§ 83. The inhabitants, legal voters, when convened as above provided, shall organise by appointing one of their number chairman, and another secretary. They shall then determine by vote, in such manner as they may choose, first whether they will levy a tax on the taxable property in said district for the purposes, or either or any of them, in section eighty-two specified; if a majority of the voters residing in the district shall be for a tax they shall determine upon the rate to be levied for the current year, not exceeding twenty-five cents on the one hundred dollars, and to what purpose or purposes, authorised in sections eighty-one and eighty-two hereof, the amount raised by tax shall be applied. The secretary shall keep a true and correct record of the proceedings of such meeting, which shall be certified and signed by the chairman and secretary, and presented by said secretary, together with all the names of all the resident tax payers of the district, to the district directors; *Provided*, that for purchase of lot or building, and furnishing school house, the rate of taxation may be any amount determined by vote as aforesaid, not exceeding five hundred dollars in the aggregate; *Provided*, that in incorporated towns and cities a tax for school purposes may be voted for and levied, not exceeding fifty cents on the one hundred dollars, and to an amount not exceeding a thousand dollars for buildings and school purposes.

Organisation of meeting.

Rate of taxation.

Proviso.

Tax unlimited for certain purposes.

Towns & cities 50 cts. to \$100.

COMPENSATION OF OFFICERS.

§ 84. School commissioners shall be allowed to retain out of the township funds of the township for which the services were rendered, three per cent. upon the amount of sales, for their services in receiving and recording petitions for the sale of school lands, advertising, making reports, taking security for the purchase money; and two per cent. he shall retain of the amount of all sums distributed or paid to township treasurers for the support of schools.—Township treasurers shall be allowed two per cent. upon all funds paid out, and two per cent. upon all funds loaned; but the two per cent. for funds loaned shall not be allowed, unless there has been

Compensation of co. school com'r.

Of township treasurer.

Trustees to regulate treasurer's pay.

County court to pay com. as *ex officio* county superintendent.

an actual payment and re-lending to another and different person; *Provided, however,* that trustees of schools shall have the right, and it is made their duty, to reduce the compensation of said treasurer, if, in their opinion, the compensation herein allowed is more than is reasonable. The county court of each county is hereby authorised and required to pay the school commissioners of their respective counties, such amount as they shall deem right and proper, not exceeding two dollars per day for each day, not exceeding fifty days per year, that said commissioners are actually engaged in the discharge of their duties as *ex officio* superintendants of schools, in their counties.

LIABILITIES OF OFFICERS.

Officer to be indicted for embezzlement of funds.

§ 85. If any school commissioner, trustee of schools, township director, or any other person entrusted with the care, control, management, or disposition of any common school, college, seminary, or township fund, for the use of any county, township, district, or school, shall convert any such funds, or any portion thereof, to his own use, he shall be liable to indictment, and, upon conviction, shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one or more than twelve months, at the discretion of the court.

Trustees to be liable for securities taken.

§ 86. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against said treasurers and their securities, for, or on account of any default of such treasurers, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees, jointly or severally, and the amount not collected on said judgment shall be recovered with costs; *Provided,* that if said trustees can show satisfactorily, that the security taken from the treasurers as aforesaid was at the time of said taking good and sufficient, they shall not be liable as aforesaid.

Proviso.

Real estate of school officers held liable.

§ 87. The real estate of school commissioners of township treasurers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said commissioners and treasurers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any commissioner, treasurer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned, or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

DEPRECIATED FUNDS.

Depreciated funds to be sold.

§ 88. All township treasurers or school commissioners, having on hand any State Bank or Bank of Illinois paper, or other depreciated funds, are hereby authorised, under the direction of the trustees of schools, to sell the same for their cash value, and adjust their accounts accordingly. And all such sales heretofore made by school commissioners or trustees are hereby declared legal and valid.

COSTS.

§ 89. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be, from any cause, unsuccessful in such suit. School commissioners appointed heretofore shall continue in office until superseded according to the provisions of this act, and their duties, responsibilities, and powers shall be governed by the provisions herein named. Trustees of school lands heretofore appointed, and trustees of schools heretofore elected, shall, also, continue to discharge the duties of their office until trustees of schools are elected under the provisions of this act. Townships heretofore incorporated shall, without any further action or proceeding, be considered as incorporated under the provisions of this act, and the trustees and other officers shall continue to discharge their duties till suspended by appointment or election under this law; but the rights, powers, and duties of all such officers shall be regulated by the provisions hereof. All school districts heretofore laid off may remain as if they had been laid off under the provisions of this act; and all school directors heretofore appointed shall continue in office as if they had been appointed by the provisions of this act. Until superseded by election, as provided in this act, they shall be governed by the provisions hereof. Leases of school lands shall remain valid and be executed according to the laws under which they were made. Common school lands valued and offered for sale and remaining unsold shall be sold upon terms prescribed by this act. All contracts made under the laws hereby repealed shall remain valid, and all rights, remedies, defences, and causes of action, existing, or which may hereafter exist or arise, under or by virtue of said repealed laws, shall continue and remain valid, and shall be enforced notwithstanding the repeal of said laws, unless cancelled according to the provisions of this act.

No costs allowed in certain cases.

Tenure of officers.

Existing organisations to be continued.

Districts do.

Acts under former law declared valid.

ACTS REPEALED.

§ 90. An act entitled "an act making provisions for organising and maintaining common schools," in force July first, 1841, and an act entitled "an act to establish common schools," approved February 26th, 1845, the act entitled "an act to establish and maintain common schools," approved March 1st, 1847, and all other acts and parts of acts coming in conflict with the provisions of this act are hereby repealed.

Acts of '41, '45, & '47 repealed.

This act to be in force from and after the last day of March, 1849.

This act in force from passage.

§ 91. The public printer is hereby required to print fifteen thousand copies of this act, under the direction of the secretary of state, who shall first make a perfect index hereto, to be distributed by him, according to population, among the several counties of the state, and deposited with the school commissioners, to be distributed by them to the township treasurers for the use of the different officers under this law.

Printing.

APPROVED February 12, 1849.

In force,
Feb. 2, 1849.

AN ACT to authorise the school commissioner of La Salle county to pay townships twenty-nine and thirty north, of range one east, of the third principal meridian, in Marshall county, their proportion of school money.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the school commissioner of La Salle county is hereby authorised and required to pay over to the trustees of schools, or other authorised persons, of townships twenty-nine and thirty north, range one east, in Marshall county, the amount of school funds they would have received had they remained part of La Salle county.

§ 2. The amount due said townships shall be estimated by the number of children in said townships when they were attached to Marshall county, in the same manner the school funds are distributed in other cases, and not by the number of voters in said township, as now provided by law.

§ 3. This act to be in force from and after its passage.

APPROVED February 2, 1849.

In force,
Feb. 2, 1849.

AN ACT to provide for the equitable division of the school fund in Gallatin and Saline counties.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the school funds, whether existing in moneys, notes, mortgages, or other securities that belonged to the county of Gallatin when the following acts were passed, viz: "an act entitled an act to enlarge Hardin county," and "an act entitled an act to divide the county of Gallatin and to form out of the same the county of Saline," both passed at the last session of the legislature of this state, shall be divided between the counties of Gallatin, Saline, and Hardin, for the use and benefit of the several townships and fractional townships in each of the counties of Gallatin and Saline, and also in that part of said Hardin county which, by the act aforesaid, was stricken off from said Gallatin county, according to the number of white children in each township or fractional township under the age of twenty years; and all such school funds as may have been received by the school commissioner of the counties of Gallatin and Saline, since the passage of the abovementioned acts, and prior to this time, shall be divided between the counties of Gallatin and Saline, as aforesaid.

§ 2. It shall be the duty of the school commissioners of Gallatin and Saline counties to ascertain the number of white children in the different townships and fractional townships in their respective counties under the age of twenty years, and it shall likewise be the duty of the school commissioner of Hardin county to ascertain the number of such white children, under twenty years of age, in that part of said Hardin county so stricken off from Gallatin as aforesaid; and after the same shall be ascertained it shall be the duty of each of the school commissioners of the said counties of Gallatin, Saline, and Hardin, to meet together at Equality, in Gallatin county, on some day to be agreed upon by said commissioners, prior to the first day of October, 1849, who shall then and

there proceed to make an equitable division of said school fund between said counties as is heretofore provided in this act.

§ 3. The seventh section of the act entitled "an act to divide the county of Gallatin, and to form out of the same the county of Saline," approved February 26th, 1847, which relates to said school fund, be, and the same is hereby, repealed.

§ 4. This act to take effect from and after its passage.

APPROVED February 2, 1849.

AN ACT to authorise the sale of school lands in township number eight north, of range number seven east, in Effingham county.

In force,
Feb. 6, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the trustees of schools of township number eight north, of range seven east, in Effingham county, be, and they are hereby, empowered to sell the school lands of said township, upon the terms and in the manner now provided by law, upon the petition of three-fourths of the adult inhabitants of said township.

§ 2. This act to be in force from and after its passage.

APPROVED February 6, 1849.

AN ACT to provide for the sale of lands and town lots in township four north, range nine west, in Hancock county.

In force.
Feb. 10, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the trustees of schools in township four north, range nine west, in Hancock county, be, and they are hereby, authorised to sell all lands and town lots belonging to and rightfully owned by said township, except section sixteen of said township.

§ 2. The said sale to be at the door of the Warsaw House, in the town of Warsaw, in said county, between the hours of ten o'clock A. M. and five o'clock P. M., and said trustees may sell said land and town lots without regard to valuation, as is now required by law; said sale to be at public auction to the highest and best bidder; the payment of which shall be secured by mortgage upon real estate, as required by the school laws now in force in this state.

§ 3. The trustees of schools in said township shall give notice in some public newspaper in said county, at least six weeks before said sale, of the time and place of the same, and also to post up written notices in at least three of the most public places in said town, stating the time and place of said sale; and the said trustees are hereby authorised to sell said land and town lots on a credit of any number of years they may think most conducive to the interest of the township.

§ 4. This act to take effect from and after its passage.

APPROVED February 10, 1849.

In force April 13, 1849. AN ACT legalising the election of trustees of schools, &c., in township number eleven south, range number nine east, in Hardin county.

WHEREAS, it appears that the inhabitants of township number eleven south, range nine east, in Hardin county, on the 29th day of January, 1847, elected three trustees of schools for said township, who were duly qualified according to law, and who sold, in accordance with law, a part of the school lands of said township; and whereas, it appears that doubts have arisen in respect to the validity of the titles of the purchasers at said sale, in consequence of some informality on the part of the proper officer in failing to return the poll-books of said election, which have been since returned, and are now in their proper place; and whereas, it further appears that the lands of said township remaining unsold are so inferior in quality and situation that they will not bring their limited price; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the titles to said school lands acquired by the purchasers thereof, at the sale of said lands by the trustees as aforesaid, be, and the same are hereby, declared good and valid, both at law and equity, notwithstanding the failure to return said poll-books.

§ 2. That the school commissioner of said county may, at any time hereafter, sell at public sale, to the highest and best bidder, the school lands of said township remaining unsold; *Provided*, two-thirds of the inhabitants of said township shall petition for such sale; *And provided further*, that such sale shall be made and conducted on the same terms, and notice thereof given in the same manner as school commissioners are now required to do in the sale of school lands under existing laws.

APPROVED January 25, 1849.

In force, Jan-
25, 1849.

AN ACT to authorise trustees of schools to lease school lands and lots.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the trustees of schools of township number thirty-three (33) north, of range number one (1) east of the third principal meridian, shall have power and authority to lease any land or lands, town lot or lots to any person or persons for such term of years, not less than one nor more than ten, as they shall deem advisable, upon the yearly payment to the said trustees, or their successors in office, of such rent as may be fixed on by said trustees, and upon such conditions as to them shall seem most advantageous to the school fund.

§ 2. The money received for the rent of any land or town lot or lots, so leased as above provided, shall be applied in the same manner as is required in case of interest upon school fund received for land sold by them.

§ 3. All leases heretofore made by the trustees of schools of township number thirty-three north, of range number one, east of the third principal meridian, are hereby legalised, and the rights of

all persons interested therein shall be construed and taken and be in accordance with the terms of such lease.

§ 4. There shall be no letting under this act unless sixty days public notice of the same be first given by publication in any newspaper of the county, and by posting up written notices in three of the most public places in said township, or if there should be no public newspaper issued in said county, by posting notices in six of the most public places in said township.

This act to be in force from and after its passage.

APPROVED January 25, 1849.

AN ACT to legalise the election of school trustees in Livingston county.

In force,
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the election of Phillip Nigh, Moses Allen, and Amos Edwards, as school trustees for Rooks creek township, in A. D. 1846, is hereby legalised, and their official acts are declared to be in full force and effect.

APPROVED February 10, 1849.

AN ACT to amend an act in relation to the duties and fees of the secretary of state, and to diminish the public expenditures.

In force,
Feb. 2, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That it shall be the duty of the secretary of state to pay for the printing of all blank commissions used in his office (military commissions excepted) without charge to the state; and he shall receive for each commission, (military commissions excepted, for which no charge shall be made,) and for each patent for canal lands issued from his office, and in each case where he shall be required to register his signature and to affix the great seal of state, the sum of twenty-five cents, to be paid by the person receiving the same; *Provided*, that no expenses shall accrue to the state of Illinois, for the performance of any services rendered by the secretary of state, in pursuance of the provisions of this act.

This act to take effect from and after its passage.

APPROVED February 2, 1849.

AN ACT for the improvement of sheep, and to promote their increase.

In force,
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That it shall be unlawful for the owner or owners of any buck or bucks, or male sheep over the

Bucks not to
run at large.

age of six months, to permit such buck or bucks or male sheep to run at large in any highway or uninclosed grounds or commons in this state, or without the inclosure of said owner or owners, between the fifteenth day of June and the fifteenth day of November in each year hereafter.

Duty of persons
to take up.

§ 2. *And be it further enacted*, That it shall be the duty of any person or persons finding any such sheep running at large as aforesaid, to take up and confine the same, and notify the owner or owners, if known, and in case such owner or owners are not known, then such person, so taking up, shall give notice thereof in writing by posting up notices in three public places within the precinct or neighborhood where said sheep are so taken up, within four days after such taking up, describing all plain marks that may be on said sheep, and the owner or owners of such sheep shall be entitled to the same by proving property and paying, or agreeing to pay, all reasonable charges, and such damages as the sheep may have done; *Provided*, such charges and damages shall not exceed the value of the sheep, and if the owner or owners shall not comply with the above requisitions within the term of six months from the date of such notice, then in that case the said sheep shall be forfeited, and become the property of the person so taking up the same; *Provided*, that if the inhabitants of any county in this state shall think themselves aggrieved by the provisions of this act, the county commissioners or county court of such county shall have power to suspend the operation of this law in such county or counties for a convenient time, by an order of said court, posted on the court-house door of said county, and in some public place in each of the several precincts of such county.

Proviso.

APPROVED February 10, 1849.

In force,
Feb. 12, 1849.

AN ACT to complete the state-house.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly*, That the sum of seven thousand dollars be, and the same is hereby, appropriated out of any funds in the state treasury, one-half of said sum payable in the year 1849, and the balance in the year 1850, to be expended under the direction of the governor, auditor, and treasurer, in pursuance of the provisions of an act entitled "an act making appropriations for the completion of the state-house," approved February 16, 1847.

§ 2. It shall be the duty of the governor, auditor, and treasurer, before advertising for letting said work, to employ a competent mechanic to make specifications of the said work, the manner and how said work shall be done, and said specifications shall be advertised together with the advertisement for letting said work.

This act to take effect from and after the passage.

APPROVED February 12, 1849.

AN ACT to prevent swine from running at large in certain counties,

In force,
April 1, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That from and after the first day of April next, it shall not be lawful for any person or persons, being the owner or owners of any swine, to allow them to run at large within the counties of Bureau, Cook, Ogle, Du Page, Kane, and De Kalb. If any person or persons, residing within said county of Bureau and others, being the owner or owners of any hog or hogs, shoat or shoats, pig or pigs, shall permit them to run at large within said county or counties, as aforesaid, such person or persons shall forfeit and pay the sum of one dollar per head, to any person or persons making complaint before any justice of the peace in and for said counties, to be collected as in action for debt, before such justice of the peace, together with the costs of suit.

APPROVED February 10, 1849.

AN ACT to levy a tax in Iroquois county, to improve the Kankakee and Iroquois rivers.

In force,
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the general assembly,* That the county court of Iroquois county may levy and cause to be collected a tax on all taxable property of said county, a sum not to exceed one dollar upon each one hundred dollars' worth of taxable property in said county, for the purpose of improving the Kankakee and Iroquois rivers; *Provided, first,* that the clerk of the said court shall, at least thirty days previous to the next general election for county officers, cause to be posted up at least three notices in each precinct, setting forth that votes will be received on such election day for or against the levy of said tax; and on counting the votes of said county, should it appear that a majority of all the votes given are in favor of said tax being levied, then the said court may cause the same to be levied and collected.

§ 2. It shall be the duty of the clerk of said court to make separate columns, setting forth the amount of each person's tax so levied.

§ 3. The collector shall not receive for said tax other funds than gold or silver, and when collected the county court may subscribe such amount of the capital stock of the Kankakee and Iroquois navigation and manufacturing company.

§ 4. The said county shall have all the rights and privileges, after having made such subscription, that a natural person might or could have in reference to said stock and company.

§ 5. The said tax may, in the discretion of the said court, be continued from year to year, until said improvement shall be fully completed, with the approbation of the people of said county, as before mentioned.

§ 6. The collector shall be liable upon his bond for the amount thus collected, in all respects the same as he now is for county revenue, and receive the same compensation for collecting the said tax.

APPROVED February 12, 1849.

In force,
April 13, 1849.

AN ACT to legalise the tax of Lake county for 1848.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the levy and tax list for the year 1848, now in the hands of the collector of Lake county, be, and the same is hereby, legalised and declared binding and valid for the whole tax levied, except two mills of the amount levied for state purposes, under article fifteen of the constitution; and said collector is hereby directed to collect the amount levied, except the said two mills.

§ 2. The sheriff and *ex officio* collector of said county shall, upon the application of any person who may have paid any part of said two mills, refund the same to said person, and in order that such person may have notice of the refunding, the collector shall give notice, by advertisement, for the space of thirty days, in some public newspaper printed in said county, and all of said tax that may not be refunded on or before the first day of January, 1850, shall be paid into the county treasury for the use of said county of Lake.

§ 3. The said collector, in returning any lands to the court for judgment in pursuance of the provisions of the revenue law, shall set down in said return only the amount that may be due upon such lands, after deducting said two mills, and judgment shall be rendered accordingly.

APPROVED February 12, 1849.

In force,
April 13, 1849.

AN ACT to legalise the assessment of taxes in St. Clair county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the assessment of taxes for and in the county of St. Clair, in this state, for the years A. D., 1847 and 1848, be, and the same are hereby, legalised, any mistake in the amount of said assessments, or any failure on the part of the assessor of said county to return the said assessment within the time prescribed by law, to the contrary notwithstanding.

§ 2. That the collector of the revenue in and for the county of St. Clair, for the year of our Lord one thousand eight hundred and forty-nine, shall pay into the county treasury of the county of St. Clair, the sum of one thousand and ninety-four dollars and sixteen cents, out of the state revenue collected for said year. The said sum of one thousand and ninety-four dollars and sixteen cents, being the excess paid by said county for state purposes for the year A. D., 1847. A certificate from the county court of St. Clair county that said sum has been so paid into the county treasury by the said collector, shall be a sufficient voucher and evidence of the same to enable said collector to settle with the auditor for the taxes of said year.

APPROVED February 12, 1849.

AN ACT legalising the assessment of property in Madison county, Illinois.

In force
Feb. 5, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the assessment of property for taxation in the county of Madison, state of Illinois, for the years one thousand eight hundred and forty-five, one thousand eight hundred and forty-six, and one thousand eight hundred and forty-seven, be, and the same are hereby, legalised, any neglect or inability on the part of the assessor or assessors of said county to make and return the assessment for either or all of said years within the time required by law, to the contrary notwithstanding.

§ 7. This act to take effect and be in force from and after its passage.

APPROVED February 5, 1849.

AN ACT to authorise Madison county to levy a special tax or make a loan of money. In force
Jan. 16, 1849.

SECTION 1, *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the county commissioners' court of Madison county, Illinois, are hereby empowered and authorised to levy a special tax upon the inhabitants of said county to an amount not exceeding fifteen thousand dollars, in such manner and at such times as the said county commissionerers may think proper.

§ 2. The said county commissioners' court shall be required, in case they decide to levy the said tax, to proceed to levy and collect said tax in such manner as is now provided by law in regard to the collection of the revenue of this state.

§ 3. The said county commissioners' court are hereby authorised, in case they do not deem it advisable to levy a tax as above stated, to borrow on behalf of said county a sum of money, not exceeding fifteen thousand dollars, in such manner and at such times as they shall deem proper.

§ 4. The said money, or so much thereof as said court shall deem necessary, shall be applied to the payment of existing debts, or to the construction of roads, bridges, and other necessary improvements in said county, according to law.

§ 5. In case the said court should determine to effect the loan as provided for under the third section of this act, they are hereby authorised to contract to give interest upon said loan at the rate of ten per cent. per annum, if it cannot be procured at a less rate.

§ 6. Said court is hereby authorised to make any contracts or agreements necessary in the premises, but are precluded from subjecting to taxation any species of property not subject to taxation under the general laws of this state.

§ 7. This act to take effect from and after its passage.

APPROVED January 16, 1849.

In force
Feb. 9, 1849.

AN ACT for the establishment of telegraphs.

Any person
may organise
company.

To make cer-
tificate.

Shall be a body
politic, &c.

Powers.

To construct
lines of tele-
graphs.

Proviso.

Damages.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That any number of persons may associate for the purpose of constructing a line of telegraph through this state, or from and to any point within this state, upon such terms and conditions, and subject to the liabilities prescribed in this act.

§ 2. Such persons, under their hands and seals, shall make a certificate, which shall specify—

1st. The name assumed to distinguish such association, and to be used in its dealings, and by which it may sue and be sued.

2d. The general route of the line of telegraph, designating the points to be connected.

3d. The capital stock of such association, and the number of shares into which the stock shall be divided.

4th. The names and places of residence of the share-holders, and the number of shares held by each of them respectively.

5th. The period at which such association shall commence and terminate; which certificate shall be proved or acknowledged and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the secretary of state; such acknowledgment may be taken by any officer authorised to take the acknowledgment of deeds of real estate at the place where such acknowledgment is taken.

§ 3. Upon complying with the provisions of the last preceding section, such association, and their successors and assigns, shall be, and hereby are, declared to be a body politic and corporate, by the name so as aforesaid to be designated in said certificate, and a copy thereof, duly certified by the clerk of the county where the same is filed and recorded, or by the secretary of state, may be used as evidence in all courts and places, for and against any such association.

§ 4. Such association shall have the power to purchase, receive, and hold such real estate as may be necessary and convenient in accomplishing the objects for which such association may be formed, and may appoint such directors, officers, and agents, and employ such servants, and make such prudential rules, regulations, and by-laws as may be necessary in the transaction of the business, not inconsistent with the laws of this state, or of the United States.

§ 5. Such association is authorised to construct lines of telegraphs, and maintain such as are already constructed along and upon any of the public roads and highways, and across any of the waters, and across and over the lands, whether public or private, within the limits of this state, by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such lines; *Provided*, the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters, nor shall this act be so construed as to authorise the erection of any bridge across any of the waters of this state.

§ 6. If any person over whose lands said lines shall pass, upon which said posts, piers, or abutments shall be placed, shall consider himself aggrieved or damaged thereby, it shall be the duty of the circuit judge within whose district such lands are, on the ap-

plication of such persons, and on notice to said association, (to be served on the president or any director) to appoint three discreet and disinterested persons as appraisers, who shall severally take an oath before any person authorised to administer oaths, faithfully and impartially to perform the duties required of them by this act. And it shall be the duty of said appraisers, or a majority of them, to make a just and equitable appraisal of all the loss or damage sustained by said applicant by reason of said lines, posts, piers, or abutments, duplicates of which said appraisal shall be reduced to writing and signed by said appraisers or a majority of them—one copy shall be delivered to the applicant, and the other to the president, or any director or officer of said association or corporation, on demand; and in case any damages shall be adjudged to said applicant, the association or corporation shall pay the amount thereof with costs of said appraisal; said costs to be liquidated and ascertained in said award, and said appraisers shall receive for their services two dollars for each day they are actually employed in making said appraisal.

§ 7. Any person who shall unlawfully and intentionally injure, molest, or destroy any of said lines, posts, piers, or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the penitentiary not exceeding one year, or both, at the discretion of the court having cognizance thereof. Prosecutions under this act shall be by indictment in any court having criminal jurisdiction. Penalty for injury to lines.

§ 8. It shall be lawful for any association of persons organised under this act, by their articles of association, to provide for an increase of their capital, and of the number of the association, and of the extension of new lines of telegraph from time to time, as they may think proper. May increase capital, &c.

§ 9. If any association or associations organised under this act shall refuse to receive dispatches from and for other telegraph lines or associations, and shall refuse to transmit the same in good faith and with impartiality, such association or associations so offending, shall forfeit all rights and privileges acquired under this act, and the same shall cease and be dissolved. Penalty for refusing to receive dispatches.

§ 10. The legislature may at any time alter or repeal this act. Repeal.

§ 11. It shall be the duty of all persons employed in transmitting messages by telegraph, to transmit them in the order in which they are received, and any person who shall fail so to transmit messages, or who shall suppress a message, or who shall make known the contents of a message, to any person other than the one to whom it is addressed, or to his attorney, shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one thousand dollars. Duty of person employed as operator.

§ 12. Process or notice served upon any clerk or agent of any of said companies formed under this act, at any of the offices of such company, shall be sufficiently served for all purposes whatsoever. Penalty for divulging contents of dispatches.

§ 13. This act is hereby declared to be a public act and to take effect on its passage. Process.

APPROVED February 9, 1849.

In force April 16, 1849. AN ACT to provide for township and county organisation, under which any county may organise whenever a majority of voters of such county, at any general election, shall so determine.

ARTICLE FIRST.

Vote for or against organ-
isation of town-
ships. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That at the next general election to be held in the several counties in this state, the qualified voters of each county may vote for or against township organisation in their respective counties.

By ballot. § 2. The county commissioners' court, or the county court, whichever shall be in commission, of their respective counties, shall at their next general election cause to be submitted to the voters of the county the question of township organisation under this act, by ballot, to be written or printed, or partly written or partly printed, "for township organisation," or "against township organisation," to be canvassed and returned in like manner as votes for state and county officers.

Clerk to enter
abstract. § 3. The clerk of the county court shall enter an abstract of the returns of said election, to be made out and certified as in elections for state and county officers, record the same at length upon the record of the county court of the county, and shall certify the same to the general assembly at its next session thereafter.

To take effect
April, 1850. § 4. If it shall appear by the returns of said election that a majority of all the votes cast for or against township organisation is for township organisation, then the county so voting in favor of its adoption shall be governed by and subject to the provisions of this act on and after the first Tuesday in April, 1850.

Commissioner
to be appoint-
ed. § 5. The county court or county commissioners' court, whichever shall be in commission at that time, shall at its next session appoint three commissioners, residents of the county, to divide the county into towns or townships, and the said commissioners' services shall be audited by the first board of supervisors, and paid by the county.

Townships how
formed. § 6. The commissioners shall proceed to divide such county into towns, by making as many towns as there are townships according to government surveys. Where fractions of townships are caused by the county lines not being in accordance with the surveyed townships, then the commissioners may attach such fraction to adjoining towns where the number of inhabitants or the amount of territory shall not be sufficient for a separate town; where a surveyed township shall have too few inhabitants for a separate organisation, then such township may be added to some adjoining town, or such township may be divided between two or more towns, for the time being. And where creeks or rivers may so divide such townships as to be inconvenient for transacting town business, then such creek or river may be made the town boundary, and the town fractions so formed may be disposed of as fractions caused by county lines.

Towns named. § 7. Towns shall be named in accordance with the expressed wish of the inhabitants of the town, and if there shall not be a degree of unanimity as to the name, the commissioners may designate the name.

To make report. § 8. The commissioners so appointed shall make a written report of their proceedings, giving the names and bounds of each

town, and present such report to the clerk of the county court, on or before the first day of March, in the year 1850.

§ 9. The clerk of the county court shall thereupon make out notices for each town, designating a suitable place for holding the first town meeting in such town, on the first Tuesday in April, 1850, and deliver such notices to the sheriff of the county, who shall cause the same to be posted in not less than three of the most public places of the town, and not less than fifteen days before the first Tuesday in April aforesaid. Town meeting.

§ 10. Each clerk of the county court, shall within thirty days after receiving such report of the commissioners, transmit by mail to the auditor of public accounts of this state, an abstract of such report, giving the bounds of each town and the names designated. And said clerk shall record in a book for the purpose, a description of each town as fully as the report of the said commissioners. Clerk to forward abstract to auditor.

§ 11. If the auditor of public accounts, on comparing the abstracts of the reports from the several counties, shall find that any two or more towns have names alike, he shall by lot decide which town shall retain the name given, and transmit to the clerk of the county court of the county or counties which have to alter the name or names of such town or towns, and the board of supervisors of such county shall at its next meeting thereafter adopt for such town some name different from those named, so that no two towns organised under this act shall be named alike; and when such name shall be adopted, the clerk of the county court shall inform the auditor of public accounts as before directed. Duty of auditor.

§ 12. The auditor of public accounts shall make a record of the names and boundaries of the several towns organised under this act. To record boundaries.

§ 13. If the voters of any county shall neglect or fail to avail themselves of the provisions of this act, it shall be submitted to the voters of any such county, at any subsequent general election, at the option of the county court, or by the county court, when requested in writing by fifty freeholders of such county—then on such request it shall be submitted to the voters of such county, at the next general election thereafter, as before provided; and if a majority of the votes cast for or against township organisation shall be in favor thereof, then the county court shall proceed to do all things as herein provided for proceeding to township organisation, and such county shall, on and after the first Tuesday in April following such general election, be governed by and subject to the provisions of this act. On failure to take vote.

ARTICLE SECOND.

Of the rights, powers, and liabilities of towns as bodies corporate.

SECTION 1. Each town as a body corporate has capacity—

1st. To sue and be sued in the manner prescribed in the laws of this state. Rights and liabilities of towns.

2d. To purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the power of the general assembly.

3d. To make such contracts, purchase and hold such personal property as may be necessary to the exercise of its corporate or administrative powers.

4th. To make such orders for the disposition, regulation, or use of its corporate property as may be deemed conducive to the interests of its inhabitants.

§ 2. No town shall possess or exercise any corporate powers, except such as are enumerated in this act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or granted.

Suits against town.

§ 3. All acts or proceedings by or against a town in its corporate capacity, shall be in the name of such town; but every conveyance of lands within the limits of such town, made in any manner for the use or benefit of its inhabitants, shall have the same effect as if made to the town by name.

ARTICLE THREE.

Of town meetings.

Annual town meetings.

SECTION 1. The citizens of the several towns of this state, qualified by the constitution to vote at general elections, shall annually assemble and hold town meetings in their respective towns on the first Tuesday in April, at such place in each town as the electors thereof at their annual town meetings shall from time to time appoint.

Town officers.

§ 2. There shall be chosen at the annual town meeting in each town, one supervisor, one town clerk, one assessor, one collector, one overseer of the poor, three commissioners of highways, two constables, two justices of the peace, as many overseers of highways as there are road districts in the town, and so many pound masters as the electors may determine.

Fence viewers.

§ 3. The assessor and commissioners of highways, elected in every town, shall by virtue of their office be fence viewers of such town.

Powers of

§ 4. The electors of each town shall have power at their annual town meetings—

Electors at town meeting.

1st. To determine the number of pound masters and the locality of pounds.

2d. To elect such town officers as may be required to be chosen.

3d. To direct the institution or defence of suits at law or in equity in all controversies where such town shall be interested.

4th. To direct such sum to be raised in such town, for prosecuting or defending such suits, as they may deem necessary.

5th. To make rules and regulations for ascertaining the sufficiency of all fences in such town, and for impounding animals.

6th. To determine the times and manner in which cattle, horses, mules, asses, hogs, sheep, or goats shall be permitted to go at large, and what animals shall not be permitted to go at large.

7th. To impose such penalties on persons offending against any rule or regulation established by such town, excepting such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding ten dollars for each offence, and

8th. To apply such penalties when collected in such manner as they may deem most conducive to the interests of such town.

Special town meetings.

§ 5. Special town meetings shall be held to supply vacancies in the several cases hereinafter provided for. They shall be held

when the supervisor, town clerk, and the justices of the peace, or any two of them, together with twelve other freeholders of the town, shall, in writing, file in the office of the town clerk a statement that a special town meeting is necessary to the interests of the town, and the town clerk shall then, by posting up notices in five of the most public places in the town, giving at least ten days notice of such special town meeting, and such meeting shall act on no subject which is not specified in the notice calling said meeting.

§ 6. Every order or direction, and all rules and regulations made by every town meeting, shall remain in force until the same shall be altered or repealed at some subsequent meeting. Rules and regulations.

§ 7. Whenever a town meeting be held in any town, no civil process shall [be] served on any elector of such town while going to, returning from, or attending such town meeting. Voters exempt from process.

ARTICLE FOURTH.

Of the method of conducting town meetings.

SECTION 1. The electors present, at any time between the hours of nine and ten o'clock in the forenoon of the day on which there is an annual or special town meeting, shall proceed to choose one of their members to preside as moderator of such town meeting. Presiding officer of town meetings.

§ 2. The town clerk last before elected or appointed, shall be the clerk of the town meeting and shall keep faithful minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meetings. Clerk of town meetings.

§ 3. If the town clerk be absent, then such person as shall be chosen for that purpose by the electors present shall act as clerk of the meeting. Clerk pro tem.

§ 4. Town meetings shall be kept open in the day time only, between the rising and setting of the sun. The electors present at any town meeting may commence the business of such meeting between the hours of nine and ten o'clock in the forenoon. Hours of meeting.

§ 5. All questions upon motions made at town meetings, shall be determined by the majority of the electors voting, and the officer presiding at said meeting shall ascertain and declare the result of the votes upon each question. Questions in town meetings.

§ 6. If any person offering to vote at any election, or upon any question arising at such town meeting, shall be challenged as an unqualified voter, the presiding officer shall proceed thereupon in like manner as the judges at general elections are required, adapting the oath to the circumstances of the town meeting. Challenge of voters.

§ 7. No person shall be a voter at any town meeting unless he shall be qualified to vote at general elections, and has been for the last thirty days an actual resident of the town wherein he shall offer to vote. Qualification of voters.

§ 8. The minutes of the proceedings of every town meeting, subscribed by the clerk of said town meeting, and by the presiding officer, shall be filed in the office of the town clerk, within two days after such town meeting. Minutes of proceedings.

ARTICLE FIFTH.

Of the election of town officers.

- Opening of meeting. SECTION 1. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, and proclamation shall in like manner be made of each adjournment and of the opening and closing of the polls, until the election is ended.
- Officers chosen by ballot. § 2. The supervisor, town clerk, assessor, overseer of the poor, collector, commissioners of highways, constables, and justices of the peace, shall be chosen by ballot; all other officers shall be chosen, either
- 1st. By ballot.
 - 2d. By yeas and nays, or
 - 3d. By dividing the electors, as the electors of the meeting may determine.
- Mode of voting by ballot. § 3. When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be delivered to the presiding officer so folded as to conceal the contents.
- Poll list. § 4. When the election is by ballot, a poll list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received.
- Duty of presiding officer. § 5. When the election is by ballot, the presiding officer shall deposit the ballots in a box provided for that purpose.
- To canvass the votes. § 6. At the close of every election by ballot, the presiding officer shall proceed publicly to canvass the votes; which canvass, when commenced, shall be continued without adjournment or interruption until the same be completed.
- In case of double ballot. § 7. The canvass shall be conducted by taking a ballot at a time from the ballot box, and continue counting until the number of ballots are equal to the number of names on the poll list, and if there shall be any left in the box, they shall be immediately destroyed, and such persons as shall have the greatest number of votes, shall be declared to be elected. If on opening the ballots, two or more ballots shall be found to be so folded that it shall be apparent that the same person voted them, the presiding officer shall destroy such votes immediately.
- Result to be entered by clerk. § 8. The canvass being completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting, and such reading shall be deemed notice of the result of such election, to every person whose name shall have been entered on the poll list as a voter.
- Notice to officers elect. § 9. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, a notice of his election.

ARTICLE SIXTH.

Of the qualifications of town officers, and their tenure of office.

SECTION 1. No person shall be eligible to any town office unless he shall have been a resident of the state two years, and one year a resident of such town. Qualification of officers.

§ 2. Every person chosen to the office of supervisor, town clerk, assessor, overseer of the poor, commissioner of highways, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe, before some justice of the peace, such oath or affirmation of office as is prescribed by law. To take oath.

§ 3. Such person shall, within eight days thereafter, cause such certificate to be filed in the office of the town clerk. And file certificate.

§ 4. If any person chosen or appointed to either or any of the town offices above enumerated, shall neglect to take and subscribe such oath, and cause the certificate thereof to be filed as above required, such neglect shall be deemed a refusal to serve. Neglect to.

§ 5. Every person chosen or appointed to the office of overseer of highways or pound master, before he enters on the duties of his office, and within ten days after he shall have been notified of his election or appointment, shall cause to be filed in the office of town clerk a notice signifying his acceptance of such office; a neglect to cause such notice to be filed, shall be deemed a refusal to serve. Acceptance to be signified.

§ 6. Every person chosen or appointed to the office of collector, before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute to the supervisor of the town, and lodge with him a bond, with one or more sureties, to be approved by such supervisor, in double the amount of such taxes, conditioned for the faithful execution of his duties as such collector. Give bond.

§ 7. The supervisor shall, within six days thereafter, file such bond, with his approval endorsed thereon, in the office of the recorder, who shall make an entry thereof in a book to be provided for the purpose, in the same manner in which judgments are recorded, and every such bond shall be a lien on all the real estate held jointly or severally by the collector and his sureties within the county, at the time of the filing thereof, and shall continue to be such lien until its conditions, together with all costs and charges which may accrue by the prosecution thereof, shall be fully satisfied. Bond to be filed.

§ 8. Every person chosen to the office of constable, before he enters upon the duties of his office, and within eight days after he shall be notified of his election or appointment, shall take and subscribe the oath of office prescribed by law, and shall execute, in the presence of the supervisor or town clerk of the town, with one or more sureties to be approved of by such supervisor or town clerk, an instrument in writing, by which such constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay on account of any execution which shall be delivered to him for collection. Bond to be lien.

§ 9. The supervisor or town clerk shall endorse on such instrument his approval of the sureties therein named, and shall then Constables elect to file oath and bond.

cause the same to be filed in the office of the town clerk, and a copy of such instrument, certified by the town clerk, shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties.

Action against constables. § 10. All actions against a constable or his sureties, upon any such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been elected or appointed.

Failure to vacate office. § 11. If any person chosen or appointed to the office of collector or constable, shall not give such security and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve.

§ 12. If any person chosen or appointed to the office of supervisor, town clerk, assessor, commissioner of highways, or overseer of the poor, shall refuse to serve, he shall forfeit to the town the sum of twenty-five dollars.

Certain officers to forfeit \$10 by refusal to serve. § 13. If any person chosen or appointed to the office of overseer of highways or pound master, shall refuse to serve, he shall forfeit to the town the sum of ten dollars.

If enter upon office before taking oath shall forfeit \$50. § 14. If any town officer who is required by law to take the oath of office, shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to the town the sum of fifty dollars.

Tenure of officers. § 15. Town officers, except justices of the peace, shall hold their offices for one year and until others are chosen or appointed in their places, and are qualified. The justices of the peace shall hold their offices for four years, or until others are chosen and qualified.

ARTICLE SEVENTH.

Vacancies in town offices, and the manner of filling them.

In case of vacancies, how filled. SECTION 1. If any town shall neglect at its annual town meeting to choose its proper town officers, or either of them, or any vacancy occurring, it shall be lawful for the justices of the peace, together with the supervisor and town clerk, or by a warrant under their hands and seals, to appoint such officers, and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors.

Warrant of appointment filed. § 2. The justices and supervisors, or town clerk, making such appointment, shall cause such warrant to be forthwith filed in the office of the town clerk, and forthwith give notice to each person appointed.

Resignation of town officers. § 3. The justices of the peace of a town may, for sufficient cause shown to them, accept the resignation of any town officer of their town, and whenever they shall accept any such resignation, they shall forthwith give notice thereof to the town clerk of the town.

ARTICLE EIGHTH.

Moderator's duty at town meetings. SECTION 1. The moderator, chosen by the electors to preside at the annual or special town meetings, shall regulate the business

and proceedings thereof, and shall decide all questions of order, and shall make public declaration of all votes passed. When any votes so declared by him shall, upon such declaration being questioned by one or more of the electors present, he shall make the vote certain by causing the voters to rise and be counted, or by dividing off.

§ 2. If any person shall conduct in a disorderly manner, and after notice from the moderator shall persist therein, the moderator may order him to withdraw from the meeting, and on his refusal may order a constable or other person to take him from the meeting and confine him in some convenient place until the meeting shall adjourn, and the person so refusing to withdraw shall, for such offence, further forfeit a sum not exceeding ten dollars to the use of the town.

Disorderly conduct at meetings.

§ 3. If any moderator shall, at any town meeting before the poll is closed, read or examine, or permit any person to read or examine the names on any voter's ballot, with a view to ascertain any candidate voted for by him, such moderator shall forfeit to the use of the town the sum of twenty-five dollars.

Penalty for reading ballots.

§ 4. Before the moderator or presiding officer of any town meeting shall enter upon the duties of his office, he shall take an oath faithfully and impartially to discharge the duties of such office; which oath may be administered by the town clerk or other proper officer.

Moderator to take oath.

ARTICLE NINTH.

The duties of supervisor.

SECTION 1. The supervisor of each town shall receive and pay over all moneys raised therein for defraying town charges, except those raised for the support of highways and bridges.

Money, how rec'd and paid.

§ 2. He shall prosecute in the name of his town, or otherwise as may be necessary, for all penalties of fifty dollars and under, given by law to such town or for its use, and for which no other officer is specially directed to prosecute.

Suits, how prosecuted.

§ 3. He shall keep a just and true account of the receipt and expenditure of all moneys which shall come into his hands, by virtue of his office, in a book to be provided for that purpose at the expense of the town, and be delivered to his successor in office.

Keep accurate account.

§ 4. On Tuesday preceeding the annual town meeting he shall account with the justices of the peace and town clerk of the town for the disbursement of all moneys received by him.

Report.

§ 5. At every such accounting the justices and town clerk shall enter a certificate in the supervisor's book of accounts, showing the state of his accounts at the date of the certificate.

Certificate of account.

§ 6. The supervisor of each town shall attend the annual meeting of the board of supervisors of the county, and every adjourned or special meeting of such board of which he shall have notice.

To attend meeting of board.

§ 7. He shall receive all accounts which may be presented to him against the town, and shall lay them before the board of supervisors at their next meeting.

Receive accounts.

§ 8. He shall also lay before the board of supervisors, such copies of entries concerning moneys voted to be raised in his town as shall be delivered to him by the town clerk.

Copies of entries of money voted.

Supervisor,
penalty.

§ 9. If any supervisor shall refuse or neglect to perform the duties of his office, contained in the preceding sections, he shall forfeit to the town the sum of fifty dollars.

ARTICLE TENTH.

Of the duties of town clerk.

Records.

SECTION 1. The town clerk of each town in this state shall have the custody of all the records, books, and papers of the town, and he shall duly file all certificates of oaths and other papers required by law to be filed in his office.

Proceedings of
town meet'gs.

§ 2. He shall transcribe in the book of records of his town the minutes of the proceedings of every town meeting held therein, and he shall enter in such book every order or direction, and all rules and regulations made by any such town meeting.

Clerk to deliver
supervisor
certificate.

§ 3. He shall deliver to the supervisor before the annual meeting of the board of supervisors of the county, in each year, certified copies of all entries of votes for raising money, made since the last meeting of the board of supervisors, and recorded in the town book.

To return names
of constables.

§ 4. The town clerks, immediately after the qualifying of any constables chosen or appointed in their respective towns, shall return to the clerks of their respective counties the names of such constables.

Penalty of clerk.

§ 5. If any town clerk shall wilfully omit to make such return, such omission is hereby declared to be a misdemeanor, and on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

Evidence.

§ 6. Copies of all papers duly filed in the office of the town clerk, and transcripts from the book of records, certified by him, shall be evidence in all courts, in like manner as if the originals were produced.

ARTICLE ELEVENTH.

Of the board of auditors of town accounts.

Board of town
auditors.

SECTION 1. In each town the supervisor, town clerk, and the justices of the town shall constitute a board of auditors, to examine the accounts of the overseers of the poor, the commissioners of highways for such town, for moneys received and disbursed by them.

Duty of audi-
tors.

§ 2. The board of auditors of town accounts shall meet for the purpose of examining the same annually, in each town in the state, on the Tuesday preceding the annual town meeting to be held in such town.

To deliver ac-
counts to town
clerk.

§ 3. The accounts so audited shall be delivered, with the certificate of the auditor, to the town clerk, to be by him kept on file for the inspection of any of the inhabitants of the town; they shall also be produced by the town clerk at the next annual town meeting, and shall be there read by him.

Accounts of su-
pervisor, how
audited.

§ 4. The town clerk and the justices present shall, at the same meeting, examine and audit the accounts of the supervisor for moneys received and disbursed by him; the accounts so audited shall be filed in the office of the town clerk as above provided.

§ 5. The board of auditors, composed of the same officers then in office, shall meet at the place of holding the last town meeting, on the last Saturday preceding the annual meeting of the board of supervisors, for the purpose of examining and auditing all charges and claims payable by their respective towns, and the compensation of town officers, except supervisors, for county services. Auditors, time of meeting.

§ 6. The said board shall make a certificate, to be signed by a majority of said board, specifying the name of the person in whose name the account is drawn, the nature of the demand, and the amount allowed, and shall cause a duplicate of said certificate to be made, one of which shall be delivered to the town clerk of said town, to be by him kept on file for the inspection of any of the inhabitants of the town, and the other shall be delivered to the supervisor, to be by him laid before the board of supervisors of the county, at their annual meeting. Further duty of auditors.

§ 7. The board of supervisors shall, on review of the same, and if approved by them, shall cause to be levied and raised upon said town in the same manner as other town charges are levied and raised. Duty of supervisors.

§ 8. The claims and compensation, &c., audited and approved, shall be read to the electors at the next annual town meeting directed in section three. Audited accounts read to electors.

ARTICLE TWELFTH.

Of the compensation of town officers.

SECTION 1. The following town officers shall be entitled to compensation, at the following rates, for each day actually and necessarily devoted by them to the service of the town in the duties of their respective offices.

§ 2. The town clerk, assessor, overseer of the poor, and commissioner of highways, shall receive for their services one dollar and fifty cents per day, when attending to business out of the town, and one dollar for business in his town. Compensation of officers of town.

§ 3. The pound master shall be allowed the following fees for his services, to wit: for taking into the pound and discharging therefrom every horse, ass, or mule, and all neat cattle, ten cents each; for every sheep or lamb, three cents, and for every hog, large or small, five cents.

ARTICLE THIRTEENTH.

SECTION 1. Whenever any controversy or cause of action shall exist between any towns of this state, or between any town and an individual or corporation, such proceedings shall be had, either at law or in equity, for the purpose of trying and finally settling such controversy, and the same shall be conducted in like manner and the judgment or decree therein shall have the like effect as in other suits or proceedings of a similar kind between individuals and corporations. In event of controversy, mode of trial, &c.

§ 2. In all such suits and proceedings the town shall sue or be sued by its name, except where town officers shall be authorised by law to sue in their name of office for the benefit of the town. Town to sue in its name.

Thirty days service of process § 4. But no towns or their officers shall be required to appear, answer, or plead to any such suit or action at the first term of the court after the commencement thereof, (when the same shall be commenced in the circuit court) unless the process aforesaid shall be served as herein directed, at least thirty days before the commencement of said term.

Served on supervisor. § 5. In all legal proceedings against towns by name, the first process and all other proceedings required to be served, shall [be] served on the supervisor of the town, and whenever any suit or proceeding shall be commenced, it shall be the duty of the supervisor to attend to the defence thereof, and to lay before the electors of the town, at the first town meeting, a full statement of such suit or proceedings, for their direction in regard to the defence thereof.

Witnesses. § 6. On the trial of every action in which a town shall be a party, or be interested, the electors and inhabitants of such town shall be competent witnesses and jurors, except that in suits and proceedings by and against towns, no inhabitant of either town shall be a juror.

Suit before justices of the peace. § 7. Any action in favor of a town which, if brought by an individual, could be prosecuted before a justice of the peace, may be prosecuted by such town in like manner before any such justice; but no action to recover a penalty given to a town shall be brought before any of the justices of the peace residing in the town for the benefit of which the same is prosecuted; but all such actions may be brought before any one of the justices of the peace residing in any other town in the same county.

In case of trespass upon town lands. § 8. Whenever any action shall be brought to recover a penalty imposed for any trespass committed on the lands belonging to a town, if it shall appear on the trial thereof that the actual amount of injury to such town lands in consequence of such trespass exceeds the sum of twelve dollars and fifty cents, then the amount of the actual damage, with costs of suit, shall be recovered in such action, instead of any penalty for the same trespass, imposed by the town meeting, and such recovery shall be a bar to every other suit for the same trespass.

Partition by court. § 9. Whenever by any decree or decision in any suit or proceeding brought to settle any controversy in relation to town commons or other lands, the common property of a town, or for the partition thereof, the rights of any town shall be settled and confirmed, the court in which such proceedings shall be had may partition such lands according to the rights of the parties.

Costs of suit & judgments, how paid. § 10. In all suits or proceedings prosecuted by or against towns, or by or against town officers in their name of office, costs shall be recovered as in like cases between individuals. Judgments recovered against a town or against town officers in actions prosecuted by or against them in their name of office shall be a town charge, and when levied and collected shall be paid to the person to whom the same shall have been adjudged.

ARTICLE FOURTEENTH.

Miscellaneous provisions of a general nature.

Pounds.

SECTION 1. Whenever the inhabitants of any town shall determine at an annual town meeting to erect one or more pounds there-

in, the same shall be kept under the care and direction of such pound master as shall be chosen or appointed for that purpose. Pound masters.

§ 2. The inhabitants of any town may at any annual town meeting discontinue any pounds therein. May discontinue pounds.

§ 3. The following shall be deemed town charges :

Town charges defined.

1st. The compensation of town officers for services rendered their respective towns.

2d. Contingent expenses necessarily incurred for the use and benefit of the town.

3d. The moneys authorised to be raised by the vote of a town meeting for any town purpose, and

4th. Every sum directed by law to be raised for any town purpose.

§ 4. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town, in the manner prescribed in the act for raising revenue and other moneys for state and county expenses. Money, how raised.

§ 5. Whenever the term of office of any supervisor or town clerk shall expire, and other person shall be elected or appointed to such office, it shall be the duty of such succeeding supervisor or town clerk, immediately after he shall have entered on the duties of his office, to demand of his predecessor all the records, books, and papers under his control belonging to such office. Successors in office to demand and receive records, &c.

And whenever the term of office of the commissioners of highways or of the overseers of the poor of any town shall expire, and another shall be elected or appointed, it shall in like manner be the duty of the person or persons, so elected or appointed, to make such demand of their predecessor or predecessors.

§ 6. Whenever either of the officers abovenamed shall resign and another person shall be elected or appointed in his stead, the persons so elected or appointed shall make such demand of the person so resigning.

§ 7. It shall be the duty of every person so going out of office, whenever thereunto required pursuant to the foregoing provisions, to deliver upon oath all the records, books, and papers in his possession, or in his control, belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made. It shall also be the duty of every supervisor, commissioners of highways and of overseers of the poor, so going out of office, at the same time to pay over to such successor the balance of moneys remaining in his hands as ascertained by the auditors of town accounts. Duty of person going out of office to deliver.

§ 8. Upon the death of any of the officers above enumerated, the successor of such officer shall make such demand as above provided of the executors or administrators of such deceased officer, and it shall be the duty of such executors or administrators to deliver, upon the like oath, all records, books, and papers in their possession, or under their control, belonging to the office held by their testator or intestate. In event of death of officer executors &c. to deliver.

ARTICLE FIFTEENTH.

Of the powers, privileges, and duties of counties, and of certain county officers.

- SECTION 1.** Each county as a body corporate has capacity—
- County may sue and be sued. 1st. To sue and be sued in the manner prescribed by law.
- Hold real estate 2d. To purchase and hold land within its own limits, and for the use of its inhabitants, subject to the power of the general assembly over the same.
- Personal property. 3d. To make such contracts, and to purchase and hold such personal property, as may be necessary to the exercise of its corporate or administrative powers, and
- Dispose of property. 4th. To make such orders for the disposition, regulation, or use of its corporate property as may be deemed conducive to the interest of its inhabitants.
- No other powers than enumerated. § 2. No county under this organisation shall possess or exercise any corporate powers except such as are enumerated in this act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or given.
- Suits against counties. § 3. All acts and proceedings by or against a county in its corporate capacity, shall be in the name of the board of supervisors of such county. But every conveyance of lands within the limits of such county, made in any manner for the use and benefit of its inhabitants, shall have the same effect as if made to the board of supervisors.
- Powers, how exercised. § 4. The powers of a county as a body politic can only be exercised by the board of supervisors thereof, or in pursuance of a resolution by them adopted.

ARTICLE SIXTEENTH.

- SECTION 1.** The supervisors of the several cities and towns of the counties of this state that shall adopt the town system under this act, shall meet annually in their respective counties for the dispatch of business; as a board of supervisors they may also hold special meetings at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary.
- Duty of supervisors in certain cases.
- Annual meeting of supervisors. § 2. The annual meetings of the board of supervisors shall be held on the first Monday after the general election, at the county seat, and if the court-house be deemed convenient, to be there held.
- Powers of supervisors. § 3. The board of supervisors of each county in this state shall have power at their annual meetings, or at any other meeting—
- 1st. To make all such orders concerning the corporate property of the county as they may deem expedient.
- 2d. To audit all accounts chargeable against such county, and to direct the raising of such sums as may be necessary to defray the same.
- 3d. To audit the accounts of town officers and other persons against their respective towns, as are not otherwise provided for, and to direct the raising of such sums as may be necessary to defray the same.

4th. To perform all other duties which may be enjoined on them by any law of this state to county commissioners' court, or otherwise.

§ 4. A majority of the supervisors of any county shall constitute a quorum for the transaction of business, and all questions which shall arise at their meetings shall be determined by the votes of the majority of the supervisors present. Quorum.

§ 5. The board of supervisors shall sit with open doors, and all persons may attend their meetings. Open doors.

§ 6. They shall, at each annual meeting, choose one of their number as chairman, who shall preside at such meeting, and in all other meetings held during the year; in case of his absence at any meeting, the members present shall choose one of their number as a temporary chairman. Choose a chairman.

§ 7. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board, or connected with their powers or duties. Oaths.

§ 8. The clerk of the county court shall be clerk of the board of supervisors, and whose general duty shall be— Clerk of county court to be clerk of board of supervisors, and his duties prescribed.

1st. To record in a book, to be provided for the purpose, all the proceedings of the board.

2d. To make regular entries of all their resolutions or decisions on all questions concerning the raising or payment of moneys, or for the regulation of affairs under their control.

3d. To record the vote of the supervisors on any question submitted to the board, if required by any member of the board.

4th. File and preserve all accounts acted upon by the board.

§ 9. The clerk shall receive a reasonable compensation for his services, to be fixed by the board, to be paid by the county. Compensation of clerk.

§ 10. The books, records, and accounts of the board of supervisors shall be deposited with the clerk, and shall [be] open, without reward, to the examination of all persons. Records &c. deposited with clerk.

§ 11. It shall be the duty of the clerk to designate upon every account upon which any sum shall be audited and allowed by the board, and the charges for which the same was allowed, and he shall deliver to any person who may demand it, a certified copy of any account on file in his office, on receiving from such person five cents for every one hundred words contained in such copy. Duty of clerk.

§ 12. It shall be the duty of the several boards of supervisors as often as it shall be necessary to build court-houses and jails, or cause the same to be repaired, in their respective counties at the expense of such counties. Duty of boards of supervisors

§ 13. It shall be the duty of the board of supervisors to take charge of the poor, and the management of poor-houses in their respective counties, that is given to the county commissioners' court; and the overseers of the poor of the several towns shall be accountable to, and their compensation shall be audited by the board of supervisors, and paid by the county. To take charge of poor.

§ 14. Each member of the board of supervisors shall be allowed a compensation for his services and expenses in attending the meetings of the board, at the rate of one dollar and fifty cents per day, to be audited by the board, and paid by the county. Compensation.

§ 15. If any supervisor shall refuse or neglect to perform any of the duties which are or shall be required of him by law as a mem- Penalty.

ber of the board of supervisors, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars.

ARTICLE SEVENTEENTH.

Of the county treasurer.

- Bond and acceptance to be filed.** SECTION 1. Every person elected or appointed to the office of county treasurer shall, within ten days after he is notified of his election or appointment, file in the office of the county court clerk a written acceptance of the office of treasurer, and before he enters upon the duties of his office shall give a bond to the supervisors of the county, with two or more sufficient securities, to be approved of by the board of supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay according to law all moneys which shall come to his hands as treasurer, and render a just and true account thereof to the board of supervisors, or to the auditor of public accounts of this state, when thereupon required.
- Bond filed.** § 2. Such bond, with the approbation of the board of supervisors endorsed thereon by the clerk of the county court, shall be filed in his office, and who shall cause an entry thereof in the book provided for the entry of collectors' bonds, and shall be a like lien against the real estate of such treasurer and his sureties.
- Duty of county treasurer.** § 3. It shall be the duty of the county treasurer to receive all moneys belonging to the county, from whatever source they may be derived, and all moneys belonging to the state which by law are directed to be paid to him, and to pay and apply such moneys in the manner required by law.
- Keep account.** § 4. The county treasurer shall keep a just and true account of the receipts and expenditures of all moneys in a book or books to be kept for that purpose; which books shall be provided at the expense of the county.
- To collect taxes on delinquent list, &c.** § 5. The county treasurer shall have the same authority to collect the taxes charged against delinquent or non-resident lands and town lots, and to make sale thereof for the same, as is now or may hereafter be vested in the sheriff or collectors under the general laws of this state, and shall be accounted to the auditor of public accounts of this state, make like returns, and pay over the moneys due the state in like manner as the sheriffs of counties are required by law to do, and shall be allowed the same compensation for travelling fees; provided that they shall pay over the amount due the state within thirty days after the settlement with the collector, if required by the auditor.
- Compensation.** § 6. At the annual meeting of the board of supervisors, or at such other time as they shall direct, the county treasurer shall exhibit to them all his books and accounts, and all vouchers relating to the same to be credited and allowed.
- Exhibit books &c.** § 7. Upon the death, resignation, or removal from office of any county treasurer, all the books and papers belonging to his office, shall be delivered to his successor in office, upon his oath, or in case of his death, upon the oath of his executors or administrators.
- Death or resignation.** § 8. If any such preceding county treasurer, or in case of his death, if his executors or administrators shall refuse or neglect to
- Penalty for refusal.**

deliver such books, papers, and moneys upon oath, when lawfully required or demanded, every such person shall forfeit, for the use of the county, the sum of one thousand dollars.

§ 9. The county treasurer shall be entitled to retain a commission of one per cent. on every dollar which he shall receive and pay out, to wit: one half of said commission for receiving and the [other] half for paying. Commission allowed.

§ 10. Whenever the condition of the county treasurer's bond shall be forfeited to the knowledge of [the] board of supervisors of the county, and whenever the board shall be required so to do by the auditor of public accounts of this state, they shall cause such bond to be put in suit. Suit upon bond.

§ 11. All moneys recovered in any such action shall be applied by the board of supervisors to the use of the county, unless the same, or some part thereof, shall have been recovered by the county treasurer for the use of the state. In which case such moneys, or such part thereof as shall have been so received, shall be paid by the county treasurer as the auditor of public accounts shall direct. Money recovered.

ARTICLE EIGHTEENTH.

Of the plan by which property is to be assessed.

SECTION 1. Every person shall be assessed in the town or district where he resides, when the assessment is made for all lands then owned by him within such town or district, and occupied by him, or wholly unoccupied. Assessment how made.

§ 2. Land owned by a person residing in the town or district where the same is situated, but occupied by another person, may be assessed in the name of the owner or occupant at the election of the assessor. In owners' name.

§ 3. Unoccupied lands, if not owned by persons residing in the town or district where the same are situated, shall be denominated "lands of non-residents," and shall be assessed as hereinafter provided for.

§ 4. When the line between two towns or districts divide a farm or lot, the same shall be taxed, if occupied in the town or district where the occupant resides, if unoccupied, each part shall be assessed in the town in which the same shall be, and this whether such division line be a town only or be a county line.

§ 5. Every person shall be assessed in the town or district where he resides, when the assessment is made for all personal estate owned by him, including all such personal estate in his possession or under his control as trustee, guardian, executor, or administrator, and in no case shall property so held under either of those trusts be assessed against any other person. Personal property how assessed.

§ 6. The real estate of all incorporated companies, liable to taxation, shall be assessed in the town or district in which the same shall lie, in the same manner as the real estate of individuals. All the personal estate of every incorporated company, liable to taxation on its capital, shall be assessed in the town or district where the principal office or place of transacting the financial concerns in this state, then in the town or district where the operations of such company shall be carried on. In the case of toll-bridges, the company owning such bridges shall be assessed in the town or district in which the tolls are collected. Real estate of companies.

ARTICLE NINETEENTH.

Of the manner in which assessments are to be made, and the duty of assessors.

- Time of assessment.** SECTION 1. Between the first day of May and July in each year, the assessor shall proceed to ascertain, by diligent inquiry, the names of all the taxable inhabitants in their respective towns or districts, and also all the taxable property, real or personal, within the same.
- Prepare assessment roll.** § 2. They shall prepare an assessment roll, in which they shall set down in separate columns, and according to the best information in their power, all taxable property, in accordance with the revenue laws.
- Trustees, guardians, &c.** § 3. Where a person is assessed as trustee, guardian, executor, or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real estate held by him in such representative character, at the full value thereof, and for the personal property held by him in such representative character.
- Time of completion.** § 4. The assessor shall complete the assessment rolls on or before the first day of August in each year, and shall make a fair copy thereof, to be kept by him; he shall forthwith cause notices thereof to be posted up in three or more public places in the town or ward.
- Notice.** § 5. Such notices shall set forth that the assessor has completed the assessment roll, and that a copy thereof may be seen and examined by any of the inhabitants of the town or district, during twenty days, and setting forth a certain day at the expiration of twenty days that he will be at some place designated in the town or district, to review the assessment, on application of any person conceiving himself or herself aggrieved.
- Inspection of roll.** § 6. The assessor shall submit the same during the twenty days specified in said notice, to the inspection of all persons who shall apply for that purpose.
- To review assessment.** § 7. The assessor shall attend at the place and time specified in the notice, and on the application of any person conceiving himself aggrieved by the assessment, shall review such assessment, and when the person objecting thereto shall make affidavit that the value of his personal estate does not exceed a certain sum specified in such affidavit, the assessor shall reduce the assessment to the sum specified in such affidavit.
- Affidavit.** § 8. The affidavit specified in this article, shall be made before the assessor, who is hereby authorised to administer an oath for that purpose, and the assessor shall cause all such affidavits to be filed in the office of the town clerk.
- Certificate, &c. of assessor.** § 9. If no objection be made to the assessment on or immediately after the receiving of the assessment, the assessor shall sign the assessment roll, and shall sign and attach thereto a certificate in the following form: "I do certify that I have set down in the above assessment roll all the real estate situated in the (town or district, as the case may be) according to my best information, and that I have estimated the value of the real estate, at the sums which I have deemed to be the true value thereof, and at which I would ap-

praise the same in payment of a just debt due from a solvent debtor, and also that the said assessment roll contains a true statement of the aggregate amount of the taxable personal estate, of each and every person named in the said roll, excluding such stocks as are otherwise taxable, and that with the exception of those cases in which the value of such personal estate has been sworn to by the owner or possessor, I have estimated the same according to my best information and belief."

Form of certificate.

§ 10. The assessor in the execution of his duties shall use the forms and pursue the instruction which shall from time to time be transmitted to them by the auditor of public accounts.

Forms, &c., from auditor.

§ 11. If any assessor shall wilfully refuse or neglect to perform any of the duties required of him by this act, he shall forfeit to the people of this state the sum of fifty dollars.

Penalty.

ARTICLE TWENTIETH.

Of the equalisation of assessments and the correction of the assessment rolls.

SECTION 1. The board of supervisors of each county in this state, at their annual meetings, shall examine the assessment rolls of the several towns in their county, for the purpose of ascertaining whether the valuations in one town or district bear just relation to the valuations in all the towns and districts in the county, and they may increase or diminish the aggregate valuation of real estate in any town or district by adding or deducting such sum upon the hundred as may, in their opinion, be necessary to produce a just relation between all the valuations of real estate in the county, but they shall in no instance reduce the aggregate valuations of all the towns and districts below the aggregate valuation thereof, as made by the assessor.

Examination of rolls.

§ 2. The board of supervisors shall also make such alterations in the description of the land of non-residents, as may be necessary to render such description conformable to the general laws of this state, and shall compare the list of lands assessed with the list of taxable lands on file in the county clerk's office. All lands omitted to be assessed by the assessor shall be assessed by said board, and charged to the proper collector.

Alterations &c.

§ 3. They shall value, estimate, and set down in a separate column, to be prepared for that purpose in the assessment roll, opposite to the several sums set down as the valuations of real and personal estates, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax thereon.

Duty of supervisors.

§ 4. They shall also add up and set down the aggregate valuations of the real and personal estate in the several towns and districts as corrected by them, and shall cause their clerk to transmit to the auditor of public accounts by mail a certificate of such aggregate valuations, showing separately the aggregate valuation of real and personal estate in each town or district, as corrected by the board, and the aggregate amount of taxes required by law.

§ 5. They shall cause the corrected assessment roll of each town or district, or a copy thereof, to be delivered to each of the supervisors of the several towns or districts, who shall deliver the same to the clerk of their city or town, to be kept by him for the use of such city or town.

Corrected roll.

To be delivered to collector. § 6. The boards of the supervisors of the several counties in this state, shall cause the corrected assessment roll of each town or district in their respective counties, or a fair copy thereof, to be delivered to the collector of such town or district, on or before the fifteenth day of December, in each year.

Duty of collector. § 7. To each assessment roll so delivered to a collector, a warrant under the hands and seals of the board of supervisors, or of a majority of them, shall be annexed, commanding such collector to collect from the several persons named in the assessment roll the several sums mentioned in the last column of such roll opposite to their respective names. If the warrant be directed to the collector of a town, it shall direct the collector, out of the moneys to be collected, after deducting the compensation to which he may legally [be] entitled, to pay—

How dispose of. 1st. To the commissioner of highways of the town, such sum as shall have been raised for the support of highways and bridges therein.

2d. To the supervisors of the town, all other moneys which shall have been raised therein to defray any other town expenses, and

3d. To the treasurer of the county the residue of the moneys so collected.

If the warrant be directed to the collector of the city or district, it shall direct the collector, after deducting his compensation [to pay the balance] to the treasurer of the county. In all cases the warrant shall authorise the collector, in case any person named in such assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, and it shall require all payments therein specified to be made by such collector on or before the first day of February then next ensuing.

Account to treasurer county. of § 8. As soon as the board of supervisors shall have sent or delivered the rolls with such warrants annexed, to the collectors, they shall transmit to the treasurer of the county an account thereof, stating the names of the several collectors, the amount of money they are respectively to collect, the purposes for which the same are to be collected, and the persons to whom and the time when the same are to be paid, and the county treasurer, on receiving such accounts, shall charge to each collector the sums to be collected by him.

ARTICLE TWENTY-FIRST.

Cf the manner in which taxes are to be collected, and the duties of the collector.

Collector, mode of collection. SECTION 1. Every collector upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his or her place of residence, if in the town or district for which such collector has been chosen, and shall demand payment of the taxes charged to him on his property.

In case of refusal to pay. § 2. In case any person shall refuse or neglect to pay the tax imposed on him, the collector shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same.

§ 3. The collector shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous to the sale, by advertisement to be posted up in at least three public places in the town where such sale is to be made. The sale shall be by public auction. Notice.

§ 4. If the property distrained shall be sold for more than the amount of the taxes, the surplus shall be returned to the person in whose possession such property was when the distress was made—if no claim be made to such surplus by any other person. If any other person shall claim such surplus on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner. Surplus.

§ 5. In case any person upon whom any tax shall be assessed under the provisions of this act, in any city or town of this state, shall have removed out of such city or town after such assessment, and before such tax which now is or hereafter may be assessed in any district of any city or in any town, upon the estate of such person situated out of the city or town in which he shall reside, and within the county, it shall be lawful in either of those cases for the collector of said city or town to levy and collect such tax, of the goods and chattels of the person assessed in any district within the said cities, or in any town within the said county to which such [person] shall have removed, or in which he shall reside. In event of removal.

§ 6. Every collector shall, within one week after the time mentioned in his warrant for paying the moneys directed to be paid to the town officers of his town and to the county treasurer, the sums required in such warrants to be paid to them respectively, first retaining the compensation to which he may be legally entitled. To pay over money.

The town officers to whom any such moneys shall be paid, shall deliver to the collector duplicate receipts therefor, one of which duplicate receipts shall be filed by the collector with the county treasurer for the amount therein stated to have been received, and no other evidence of such payment shall be received by the county treasurer. Receipts.

§ 7. Whenever any greater amount of taxes shall be assessed in any town than the town charge thereof, and its proportion of the state tax and county charges, the surplus shall be paid by the collector to the county treasurer, who shall place it to the credit of such town, and the same shall go to the reduction of the tax of the succeeding year. Surplus to be paid into treasury of county.

§ 8. The collector shall receive on the part of any lot, piece, or parcel of land charged with taxes, provided the person paying such tax shall furnish a particular specification of the part, and if the tax on the remainder of such lot, piece, or parcel of land shall remain unpaid, the collector shall enter such specification in his return to the county treasurer to the end that the part on which the tax remains unpaid may be clearly known. Duty of collector.

§ 9. If any part on which the tax shall be so paid be an undivided share, then the person paying the same shall state to the collector who is the owner of such share, then it may be excepted in case of a sale for the tax on the remainder. And the collector Part payment on fractional lots.

shall enter the name of such owner on his account of arrears of taxes.

Delinquent list.

§ 10. If any of the taxes entered in the tax bill annexed in his warrant shall remain unpaid, and the collector shall not be able to collect the same, he shall deliver to the county treasurer an account of the taxes so remaining due, upon making oath before the county treasurer, or in case of his absence, before any justice of the peace, that the sums mentioned in such account remain unpaid, and that he has not, upon diligent enquiry, been able to discover any goods or chattels belonging to or in the possession of the person so charged with, or liable to pay such sums whereon he could levy the same, he shall be credited by the county treasurer the amount thereof.

In case of death or refusal of collector.

§ 11. If any person chosen or appointed to the office of collector of any town, district, or city in this state, shall refuse to serve or shall die, resign, or remove out of the town, district, or city before he shall have entered upon or completed the duties of his office, or shall be disabled from completing the same by reason of sickness or any other cause, the supervisor and any two justices of such town or district, shall forthwith appoint a collector for the remainder of the year, who shall give the like security and be subject to the like penalties, and have the same powers and compensation as the collector in whose place he was appointed, and the supervisor shall forthwith give notice of such appointment to the county treasurer. But such appointment shall not exonerate the former collector or his sureties from any liability incurred by him or them.

Warrant.

§ 12. If a warrant shall have been issued by the board of supervisors prior to any appointment under the last section, the original warrant, if the same can be obtained, shall be delivered to the collector so appointed, and shall be considered as giving him the same powers as if originally issued to him. But if such warrant cannot be obtained, a new one shall be made out by the clerk of the board of supervisors of the county, which shall be directed to the collector so appointed, and upon every such appointment the supervisor of the town or district, if he shall think it necessary, may extend the time limited for the collection of the taxes, for a period not exceeding thirty days, of which extension he shall forthwith give notice to the county treasurer.

Neglect of collector to pay over money.

§ 13. If any collector shall refuse or neglect to pay to the several town officers of his town, or to the county treasurer, the sums required by his warrant to be paid to them respectively, or either of them, or to account for the same as unpaid, the county treasurer shall, within twenty days after the time when such payments ought to have been made, issue a warrant under his hand and seal directed to the sheriff of the county, commanding him to levy such sums as shall remain unpaid and unaccounted for by such collector, of the goods and chattels, lands and tenements of such collector, and to pay the same to the county treasurer, and return such warrant within forty days after the date thereof; which warrant the county treasurer shall immediately deliver to the sheriff of the county. But no such warrant shall be issued by the county treasurer for the collection of moneys payable to town officers, without proof by the oath of such town officers of the refusal or neglect of the collector to pay the same or account therefor as above provided.

§ 14. The sheriff to whom such warrant is directed shall immediately cause the same to be executed, and shall make return thereof to the county treasurer within the time specified, and shall pay to him the money received by virtue thereof, deducting for his fees the same compensation that the collector would have been entitled to retain. Such part of the moneys, if any, as ought to have been paid by the collector to the town officers, shall be paid by the county treasurer to the officers to whom the collector was directed to pay the same; but if the whole amount of moneys due from the collector shall not be collected in such warrant, the county treasurer shall first retain the amount which ought to have been paid to him, before making any payment to the town officers.

Duty of sheriff.

§ 15. If the whole sum due from the said collector shall be collected, the sheriff shall so state in his return, but if part only, or if no part of such sum shall be collected, the sheriff shall note in his return the amount levied, if any, exclusive of his fees, and shall also certify that such collector has no goods or chattels, lands or tenements, in his county, from which the moneys or the residue thereof, as the case may be, could be levied, and in either case the county treasurer shall forthwith give notice to the supervisor of the town or district of the amount due from such collector.

In case whole or part of money is paid.

§ 16. The supervisor shall forthwith cause the bond of such collector to be put in suit, and shall be entitled to recover thereon the sum due from such collector, with costs of suit, and the moneys recovered shall be applied and paid by the supervisor in the same manner in which it was the duty of the collector to have applied and paid the same.

Bond to be sued.

§ 17. If any sheriff shall neglect to return any such warrant or to pay the money levied thereon, within the time limited for the return of such warrant, or shall make any other return than such as is above mentioned, the county treasurer shall forthwith proceed to collect the whole sum directed to be levied by such warrant by a proper suit therefor, and he may proceed in the first instance by a writ of attachment against the goods and chattels, lands and tenements, rights and credits of such sheriff, and the same proceeding may be had thereon in the proper court as is now provided by law in ordinary cases of attachment.

Failure of sheriff to return warrant.

§ 18. In case the county treasurer shall fail to collect such moneys by attachment or suit, as is provided for in the next preceding section hereof, he shall certify to the auditor of public accounts that he has issued such warrant, stating its contents, that the sheriff has neglected to return the same in the manner required by law, or to pay the money levied thereon, as the case may be, and that he has pursued the remedy by attachment or suit without effect.

Failure of county treasurer to collect.

§ 19. The auditor of public accounts shall give notice thereof to the attorney general, who shall immediately prosecute such sheriff and his sureties for the sum due on such warrant; which sum when collected shall be paid to the treasurer of this state, and by him, on the warrant of the auditor of public accounts, to the county treasurer, the county part thereof.

Auditor to give notice.

§ 20. Upon the settlement of the amount of taxes directed to be collected by any collector in any of the towns or cities in this state, the county treasurer shall, if requested, give to such collector or any of his sureties a satisfaction piece in writing, and shall acknowledge the same before some person authorised to take acknowledgments of deeds.

Receipt and discharge by treasurer.

To be recorded. § 21. Upon the production of such satisfaction piece, acknowledged as aforesaid, the recorder of the county shall enter satisfaction of record of the collector's bond, which shall thereby be discharged.

Fees. § 22. The officer taking and returning such acknowledgment shall be entitled to the same fees as for taking and entering acknowledgments of satisfaction of a deed or mortgage.

Compensation of collector. § 23. The collector of any town, shall be entitled to three per cent. on all moneys collected by him as his compensation.

OF ROADS, HIGHWAYS AND BRIDGES.

ARTICLE TWENTY-SECOND.

the officers entrusted with the care and superintendence of highways and bridges, and their general powers and duties.

Commissioners of highways. SECTION 1. The commissioners of highways in the several towns in this state shall have the care and superintendence of the highways and bridges therein; and it shall be their duty—

Powers and duties. 1st. To give directions for the repairing of the roads and bridges within their respective towns.

2d. To regulate the roads already laid out, and to alter such of them as they, or a majority of them, shall deem unnecessary.

3d. To cause such roads, used as highways, as have been laid out but not sufficiently described, and such as have been used for twenty years but not recorded, to be ascertained, described, and entered of record in the town clerk's office.

4th. To cause the highways and the bridges which are or may be erected over streams intersecting highways, to be kept in repair.

5th. To divide their respective towns into so many road districts as they shall deem convenient, by writing under their hands, to be lodged with the town clerk, and by him to be entered in the town book. Such division to be made annually if they shall think it necessary, and in all cases to be made at least ten days before the annual town meeting.

6th. To assign to each of the said road districts such of the inhabitants, liable to work on highways, as they shall think proper, having regard to proximity of residence, as much as may be, and

7th. To require the overseers of highways, from time to time, and as often as they shall deem necessary, to warn all persons to work on highways, to come and work thereon, with such implements, carriages, sleds, cattle or teams, as the said commissioners or any one of them shall direct.

To lay out new roads and discontinue old ones. § 2. The commissioners of highways shall have power, in the manner and under the restrictions hereinafter provided, to lay out on actual survey such new roads in their respective towns as they may deem necessary and proper, and to discontinue such old roads and highways as shall appear to them, on the oaths of twelve freeholders of the same town, to have become unnecessary.

Account to board of auditors to contain. § 3. The commissioners of highways of each town shall render to the board of town auditors, at their annual meeting for auditing the accounts of town officers, an account in writing, stating—

1st. The labor assessed and performed in such town.

2d. The sums received by such commissioners for fines and commutations, and all other moneys received under this act.

3d. A statement of the improvements necessary to be made on such roads and bridges, and an estimate of the probable expense of making such improvements, beyond what the labor to be assessed in that year will accomplish.

§ 4. It shall be the duty of the commissioners of highways of each town to cause suitable guide boards to be put up at such places as they may deem necessary. To erect guide boards.

§ 5. It shall be the duty of the overseers of highways in each town— Duty of overseers of highways defined.

1st. To repair and keep in order the highways within their several districts for which they shall have been elected.

2d. When so required by the commissioners of highways, or any one of them, to warn all persons assessed to work on the highways in their respective districts, to come and work thereon.

3d. To collect all fines and commutation money, and to execute all lawful orders of the commissioners.

§ 6. The commissioners of highways, whenever they shall think it necessary, may direct and empower any overseer of highways in their respective towns to procure a good and sufficient iron or steel shod scraper and plough, or either of them, for the use of his road district; to be paid for by the moneys arising from commutation and fine within the district. Implements.

§ 7. If any person chosen or appointed to the office of overseer of highways, shall refuse to serve, or if his office shall become vacant, the commissioners of highways of the town shall, by warrant under their hands, appoint some other person in his stead, and the overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as overseers chosen at the town meeting. Vacancy.

§ 8. The commissioners making the appointment shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed, as in other cases. Warrant of appointment.

§ 9. Every overseer of highways who shall refuse or neglect either— Penalty of overseers for neglect of duty.

1st. To warn the people assessed to work on the highways, when he shall have been required so to do by the commissioners, or either of them.

2d. To collect the moneys that may arise from fines or commutations, or

3d. To perform any of the duties required by this act, or which may be enjoined on him by the commissioners of highways of his town, and for the omission of which a penalty is hereinafter provided, shall, for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the commissioners of highways of the town, and when recovered to be applied by them in making and improving the roads and bridges therein.

§ 10. Every person owning or occupying land in the town in which he or she resides, and every male inhabitant above the age of twenty-one years residing in the town where the assessment is made, shall be assessed to work on public highways in such town, and the lands of non-residents situated in such town shall be assessed for highway labor as hereinafter directed. Road labor.

Meeting of commissioners.

§ 11. The commissioners of highways of each town shall meet within eighteen days after they shall be chosen, at the place of town meeting, on such day as they shall agree upon, and afterwards at such other times and places as they shall think proper.

List of persons subject to road labor.

§ 12. Each of the overseers of highways shall deliver to the clerk of the town, within sixteen days after his election or appointment, a list subscribed by such overseer, of the names of all the inhabitants in his road district who are liable to work on the highways.

Non-resident property.

§ 13. The commissioners of highways in each town, at their first or any subsequent meeting, shall make out a list and statement of the contents of all lots, pieces or parcels of land, within such town owned by non-residents therein. Every such lot so designated shall be described in the same manner as is required from assessors, and its value shall be set down opposite such description. Such value shall be the same as was affixed to such lots in the last assessment roll of the town, and if such lot was not separately valued in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot shall be a part.

Duty of town clerk.

§ 14. The town clerk shall deliver the lists filed by the overseers to the commissioners of highways of the town, who shall proceed at their next meeting, or some subsequent meeting, to ascertain, estimate and assess the highway labor to be performed in their town the next ensuing year.

Proceedings of commissioners defined.

§ 15. In making such estimate and assessment, the commissioners shall proceed as follows—

1st. The whole number of days' work to be assessed in each year shall be ascertained, and shall be at least threetimes the number of taxable inhabitants in such town.

2d. Every male inhabitant, being above the age of twenty-one years, (excepting paupers, idiots and lunatics) shall be assessed two days.

3d. The residue of such days' work shall be apportioned upon the estate real and personal of every inhabitant of such town, as the same shall appear by the last assessment roll of the town, and upon each tract or parcel of land of which the owners are non-residents, contained in the lists made as aforesaid.

4th. Upon such non-resident tracts there shall be assessed not less than one day's labor upon every three hundred dollars of such valuation, and in the same proportion for a less sum.

5th. If after such apportionment there shall be any deficiency in the number of days' work determined by the commissioners to be performed in their town the then ensuing year, such deficiency shall be assessed upon the estates real and personal of the inhabitants of the town, according to their last assessment roll.

No. of days to be affixed to non-resident lands.

6th. The commissioners shall affix to the name of each person named in the lists furnished by the overseers, and also to the description of each tract or parcel of land contained in the lists prepared by them of non-resident lands, the number of days which such person or tract shall be assessed for highway labor as herein directed, and the commissioners shall subscribe such lists and file them with the town clerk.

Clerk to make copy.

§ 16. The commissioners shall direct the clerk of the town to make a copy of each list, and shall subscribe such copies, after which they shall cause the several copies to be delivered to the re-

spective overseers of highways of the several districts in which the highway labor is assessed.

§ 17. The names of persons left out of any such list, and of new inhabitants, shall from time to time be added to the several lists, and they shall be rated by the overseers in proportion to their real and personal estate, to work on the highways as others rated by the commissioners on such lists, subject to an appeal to the commissioners.

§ 18. Whenever any non-resident owner shall conceive himself aggrieved by the assessment of any commissioners of highways, in carrying into effect the provisions of this act, it shall be lawful for such owner or his agent to appeal to the board of supervisors of the county in which the land is situated, at its next session after its assessment.

§ 19. It shall be the duty of the commissioners of highways of each town to credit such persons as live on private roads and work the same, so much on account of their assessment as such commissioners shall deem necessary to work such private road, or to annex such private roads to some of the highway districts.

§ 20. Whenever the commissioners of highways shall assess the occupant for any land not owned by such occupant, they shall distinguish in their assessment lists the amount charged upon such land from the personal tax, if any, of the occupant thereof; but when any such land shall be assessed in the name of the occupant, the owner thereof shall not be assessed during the same year to work on the highways on account of the same land.

ARTICLE TWENTY-THIRD.

SECTION 1. It shall be the duty of overseers of highways to give at least three days' notice to all persons assessed to work on the highways and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose; and with what implements, but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides, excepting he resides in a district on a town line, which district belongs to an opposite town, and unless he shall elect to work in some district where he has any land, and in such case he may, with the approbation of the commissioners of highways, apply the work assessed in respect to such land in the district where the same is situated.

§ 2. It shall be the duty of the several overseers of highways to notify the agent of every non-resident landholder whose lands are assessed, (if such agent reside in the town where such assessment is made,) of the number of days such non-resident is assessed, and of the time when and the place where the labor is to be performed; which notice shall be given at least three days previous to the time appointed.

§ 3. If the overseer cannot ascertain that such non-resident has an agent within such town, he shall affix a written notice on the outer door of the building in which the last town meeting in such town was held, containing a list of the names of such non-residents, when known, and a description of the tracts of land comprised in his list, together with the number of days labor assessed on each tract, and a specification of the time when and place where such

labor is to be performed; which notice shall be posted up at least twenty days before the time appointed for performing such labor.

Person to work or commute. § 4. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed; but every such person, other than an overseer of highways, may elect to commute for the same, or for some part thereof, at the rate of sixty-two and a half cents per day; in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

Persons intending to commute. § 5. Every person intending to commute for his assessment, or for any part thereof, shall, within twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as complete until such money be paid.

May require a team or cart, &c. § 6. Every overseer of highways shall have power to require a team or a cart, wagon or plough, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district, who shall have been assessed three days or more, and who shall not have commuted for his assessment; and the person furnishing the same, upon such requisition, shall be entitled to a credit of three days for each day's service therewith.

May furnish a representative on the field. § 7. Every person assessed to work on the highways and warned to work, may appear in person, or by an able-bodied man as a substitute, and the person or substitute, so appearing, shall actually work eight hours in each day, under a penalty of twelve and a half cents for every hour such person or substitute shall be in default; to be imposed as a fine on the person assessed.

Not to be idle, and penalty. § 8. If any such person or his substitute shall, after appearing, remain idle or not work faithfully, or hinder others from working, such offender shall, for every offence, forfeit the sum of one dollar.

Neglect to work or commute. § 9. Every person so assessed and duly notified who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit for every day's refusal or neglect the sum of one dollar. If he was required to furnish a team, carriage, man or implements, and shall refuse or neglect to comply, he shall be fined as follows—

Rate of penalty. 1st. For wholly omitting to comply with such requisition, three dollars for each day.

2d. For omitting to furnish a cart, wagon or plough, one dollar for each day.

3d. For omitting to furnish a pair of horses or oxen, one dollar for each day.

4th. For omitting to furnish a man to manage the team, one dollar for each day.

In case of refusal to work. § 10. It shall be the duty of every overseer of highways, within six days after any person so assessed and notified shall be guilty of any refusal or neglect for which a penalty or fine is prescribed in this act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint on oath to one of the justices of the peace of the town.

Process. § 11. The justice to whom such complaints shall be made shall forthwith issue a summons, directed to any constable of the town, requiring him to summon such delinquent to appear forthwith be-

fore such justice, at some place to be specified in the summons, to show cause why he should not be fined according to law for such refusal or neglect; which summons shall be served personally or by leaving a copy at his personal abode.

§ 12. If, upon the return of such summons, no sufficient cause Fine. shall be shown to the contrary, the justice shall impose such fine as is provided in this act for the offence complained of, and shall forthwith issue a warrant under his hand and seal, directed to any constable of the town where such delinquent shall reside, commanding him to levy such fine, with the costs of proceedings, of the goods and chattels of such delinquent.

§ 13. The constable to whom such warrant shall be directed, How enforced. shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the justice of the peace who issued the warrant, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer.

§ 14. Every penalty collected for refusal or neglect to appear and work on the highways shall be set off against the assessment upon which it was founded, estimating every dollar collected as a satisfaction for one day's work.

§ 15. The acceptance by an overseer of any excuse for refusal Excuse. or neglect, shall not in any case exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year.

§ 16. Every overseer of highways shall, on or before the first Non-paying
lands to be re-
ported. day of October in each year, make out and deliver to the supervisor of his town a list of all the lands of non residents and of persons unknown, which were taxed on his lists, on which the labor assessed by the commissioners of highways has not been paid, and the amount of labor unpaid; and the said overseer, previous to delivering such list, shall make and subscribe an affidavit thereon, before some justice of the peace of such town, that he has given the notice required by the 2d and 3d sections of the 23d article of this act, and that the labor for which such land is returned has not been performed.

§ 17. If any overseer shall refuse or neglect to deliver such list Refusal to make
report. to the supervisor, as provided in the last preceding section, or shall neglect or refuse to make the affidavit as therein directed, he shall for every such offence forfeit the sum of five dollars, and also the amount of tax or taxes for labor remaining unpaid, at the rate of sixty-two and a half cents for each day, to be recovered by the commissioners of highways of the town, and to be applied by them in improving the roads and bridges of such town.

§ 18. It shall be the duty of the supervisors of the several towns Duty of super-
visors. to receive the lists of the overseers of highways when delivered pursuant to the preceding 16th section, and to lay the same before the supervisors of the county.

§ 19. It shall be the duty of such board, at their next meeting, Levy on land. to cause an account of such arrearages of labor (estimating a day's labor at sixty-two and a half cents) to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the county are levied and collected, and to order the same when collected to be paid over to the commissioners of high-

ways of the town, to be by them applied to the construction and improvement of roads and bridges for the benefit of which the labor was originally assessed.

Overseer. § 20. Every overseer of highways who shall on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render to one of the commissioners of highways of the town an account in writing, verified by his oath, and containing—

Form and order of list. 1st. The names of all persons assessed to work on highways in the district of which he is overseer.

2d. The names of all those who have actually worked on the highways, with the number of days they have so worked.

3d. The names of all those who have been fined, and the sums in which they have been fined.

4th. The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him.

5th. A list of all lands which he has returned to the supervisor for non-payment of taxes, and the amount of tax on each tract of land so returned.

Pay over money. § 21. Every such overseer shall also then and there pay to the commissioner all moneys remaining in his hands unexpended, to be applied by the commissioners in making and improving the roads and bridges in the town, in such manner as they shall direct.

In case of refusal, &c. § 22. If any overseer shall refuse or neglect to render such account, or if, having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with the balance of the moneys remaining in his hands, by the commissioner of highways of the town, and to be applied in making and improving the roads and bridges. It shall be the duty of the commissioners to prosecute for such penalty in every instance in which no return is made.

ARTICLE TWENTY-FOURTH.

Discontinue roads. SECTION 1. Every person liable to be assessed for highway labor may apply to the commissioners of highways of the town in which he shall reside, to alter or discontinue any road, or to lay out any new road. Every such application shall be in writing, addressed to the commissioners and signed by the person applying.

Survey. § 2. Whenever the commissioners of highways shall lay out, alter, or discontinue any road, either upon application to them or otherwise, they shall cause a survey to be made of such road, and shall incorporate such survey in an order to be signed by them, and to be filed and recorded in the office of the town clerk, who shall note the time of recording the same.

Town clerk. § 3. It shall be the duty of the town clerk, whenever any order of the commissioners for laying out, altering, or discontinuing a road, shall be received by him, to post a copy of such order on the door of the house where the town meeting was last held, and the time hereinafter limited for appealing from such order shall be computed from the time of recording the same.

§ 4. No highway shall be laid out through enclosed, improved, or cultivated land, without the consent of the owner or occupant thereof, unless certified to be necessary by the oath of twelve reputable freeholders of the town, in the manner hereinafter provided. Road thro' improved land.

§ 5. Every person who shall apply for the laying out of a highway through any such land, shall cause notices in writing to be posted up at three of the most public places of the town, specifying, as near as may be, the route of the proposed highway, the several tracts of land through which the same is proposed to be laid, and the time and place at which the freeholders will meet to examine the ground. Every such notice shall be posted at least six days before the time specified therein for the meeting of the freeholders. Notice.

§ 6. If twelve reputable freeholders of the town, not interested in the lands through which the road is to be laid, nor of kin to any owner thereof, shall appear at the time and place specified in the notice, they shall be sworn by any officer authorised to administer oaths, well and truly to examine and certify in regard to the necessity and propriety of the highway applied for. Assessment of damages.

§ 7. They shall then personally examine the route of such highway, and shall hear any reasons that may be offered for or against laying out the same. If they shall be of opinion that such highway is necessary and proper, they shall make and subscribe a certificate in writing to that effect, which shall be delivered to the commissioners of highways of the town. Personally examine route.

§ 8. Before the commissioners shall determine to lay out the highway so applied for and certified, they shall cause notice in writing to be given to the occupant of the land through which the road is to run, of the time and place at which they will meet to decide on the application. The notice shall be served by delivering the same to such occupant, or if he be absent, by leaving the same at his dwelling house, and in either case, at least three days before the time of meeting. Notice.

§ 9. The commissioners shall meet at the time specified in the notice, and shall hear any reasons that may be offered for or against laying out the highway. If they shall determine to lay out such highway they shall make out and subscribe a certificate of such determination, describing the road so laid out particularly by routes [metes] and bounds, and by its courses and distances, and shall deposit the same with the town clerk. Objections.

§ 10. The damages sustained by reason of the laying out and opening such road, may be ascertained by the agreement of the owners and the commissioners of highways, provided such damages do not exceed thirty-five dollars; and unless such agreement be made, or the owner of the land shall in writing release all claim to damages, the same shall be assessed in the manner prescribed in the next section, before such road shall be opened, or worked, or used. Every agreement and release shall be filed in the town clerk's office, and shall forever preclude such owner from all further claim for such damages. Damages.

§ 11. On the application of the commissioners of highways, or of the owner of the land through which such road is laid out, to any justice of the peace of the town, he shall issue his warrant to some constable of some other town of the same county, neither interest-

- ed, nor of kin to any person interested in the land through which the road is laid out, directing him to summon twelve disinterested freeholders, residing in some other town than that in which such road is laid out, and not of kin to the owner of such land, to assess the damages sustained by the laying out of such road, and shall therein specify the time and place at which the jury shall meet.
- Twelve freeholders to be summoned.** § 12. Upon such freeholders appearing, the justice who issued the warrant, shall draw by lot six of the names of the persons attending to serve as a jury, and the first six persons drawn, who shall be free from all legal exceptions, shall be the jury to assess the said damages.
- To draw lots. Jury.**
- View premises.** § 13. In all cases of the assessment of such damages, the persons by whom the assessment is to be made shall view and examine the premises, and before making their determination, the freeholders making the same shall be sworn well and truly to determine and assess such damages.
- Verdict.** § 14. The verdict of the jury assessing such damages shall be received by the justice who issued the warrant for summoning them, and shall be delivered by him to the commissioners of highways of the town.
- Duty of commissioners.** § 15. Such commissioners shall cause a copy of said verdict, with a statement of the charges and expenses, to be delivered to the supervisor, who shall lay the same before the board of supervisors of the county. The board shall have power to examine into the principles on which such assessment shall have been made, and into the fairness and justness thereof, and to increase or reduce the damages, as in their judgment shall be just and reasonable.
- Damages, costs &c.** § 16. The amount of damages as finally settled by the board of supervisors, or as liquidated by the commissioners of highways, as provided in the tenth section of this article or act, together with the charges of the commissioners of highways, justices, surveyors, and other persons or officers employed in making the assessment, shall be levied and collected in the town within which the highway shall be situated. The moneys so collected shall be paid to the commissioners of highways of the same town, who shall pay to the owner the sum assessed to him, and appropriate the residue to satisfy the charges.
- In case of discontinued roads.** § 17. Where any person shall be the owner of any land over which any highway shall run, and such highway shall be discontinued in whole or in part, by reason of some other road to be established and laid out under this act, through the lands of the same person, the persons who shall assess the damages, shall take into calculation the value of the road so discontinued, and the benefit resulting to such person by reason of such discontinuance, and shall deduct the same from the damages assessed for the opening and laying out of such new road, and thereupon the owner of the land may enclose so much of the highway so discontinued as shall belong to him.
- In case of disagreement.** § 18. When the commissioners of highways of any town shall disagree with the commissioners of any other town in the same county, relating to the laying out of a new road or the alteration of an old road, extending into both towns, or when the commissioners of a town in one county shall disagree with the commissioners of a town in another county, relative to the laying out of a new road or altering an old road, which shall extend into both coun-

ties, the commissioners of both towns shall meet together, at the request of either disagreeing commissioners, and make their determination upon such subject of disagreement.

§ 19. Whenever it shall become necessary to have a highway upon the line between two towns, such highway shall be laid out by two or more of the commissioners of highways of each of said towns, either upon such line or as near thereto as the convenience of the ground will admit, and they may so vary the same either to the one or to the other side of such line, as they may think proper. Road between two towns.

§ 20. It shall be the duty of the same commissioners, when there may be such highway, to divide it into two or more road districts, in such manner that the labor and expense of opening, working, and keeping in repair such highway through each of the said districts, may be equal, as near as may be, and to allot an equal number of the said districts to each of the said towns. Duty of commissioners.

§ 21. Each district shall be considered as wholly belonging to the town to which it shall be allotted, for the purpose of opening and improving the road and keeping it in repair, and the commissioners shall cause such highway, and the partition and allotment thereof, to be recorded in the office of the town clerk in each of their respective towns. Districts.

§ 22. All highways heretofore laid out upon the line between any two towns, shall be divided, allotted, recorded, and kept in repair in the manner above directed.

§ 23. Whenever application shall be made to the commissioners of highways of any town for a private road, they shall summon twelve disinterested freeholders of the town where the land, through which such road is proposed to be laid out is situated, to meet on a certain day, of which day notice shall be given to the owner or occupant of such land. Such freeholders when met shall be sworn as above provided, and shall then proceed to view the lands through which such road is applied for. Private road.

§ 24. If they shall determine that such road is necessary, they shall make and subscribe a certificate in manner aforesaid, and the commissioners shall thereupon lay out the road, and cause a record thereof to be made in the town clerk's office. The damages of the owner of the land through which such road shall be laid out, shall be ascertained or assessed in like manner as if the same was a public highway; and such damages shall be paid by the person applying for the road. Certificate.

§ 25. Every such private road, when so laid out, shall be for the use of such applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road. Nor shall the occupant or owner of the land through which such road shall be laid out, be permitted to use the same as a road, unless he shall have signified his intention of so making use of the same to the jury or commissioners who ascertained the damages sustained by laying out such road, and before such damages were so ascertained. Private road how used.

§ 26. All public roads to be laid out by the commissioners of highways of any town, shall not be less than four rods wide, and all private roads shall not be more than three rods wide. Roads four rods wide.

§ 27. Whenever application shall be made for the discontinuance of an old road, on the ground that it has become useless and unnecessary, the commissioners of highways, to whom such application shall be made, shall summon twelve disinterested freeholders To discontinue old roads.

of the town, to meet on a certain day. Such freeholders, when met, shall be sworn well and truly to examine and certify in regard to the propriety of such discontinuance.

To view road. § 28. They shall then proceed to view such road, and if they shall be of opinion that such road is useless and unnecessary, they shall make and subscribe a certificate in writing to that effect, which shall be delivered to the commissioners of highways, who shall thereupon proceed to decide upon such application.

All papers to be filed with town clerk. § 29. All applications, certificates, and other papers relating to the laying out, altering, or discontinuing of any road, shall be filed by the commissioners of highways as soon as they shall have decided thereon, in the office of the town clerk of the town.

Persons aggrieved. § 30. Every person who shall conceive himself aggrieved by any determination of the commissioners of highways, either in laying out, altering, or discontinuing, or in refusing to lay out, alter, or discontinue any road, may at any time, within sixty days thereafter, appeal to any three of the board of supervisors of the county in which such road is situated. But an appeal by one person and a decision thereon shall not preclude or affect the rights of any other person who shall appeal within the limited period.

Appeal. Jurisdiction. § 31. The supervisors to whom the first appeal from any such determination shall be made, shall have exclusive jurisdiction of all appeals from the same determination, to the end that the decision when made, may embrace the whole subject, and for this purpose they shall suspend all proceedings upon the appeal first made, and upon all other appeals received by them from such determination, until the time limited by such appeal shall have expired.

Appeal to be in writing. § 32. Every such appeal shall be in writing, addressed to the supervisors, and signed by the party appealing. It shall briefly state the ground upon which it is made, and whether it is brought to reverse entirely the determination of the commissioners, or only to reverse a part thereof, and in the latter case it shall specify what part.

To proceed. § 33. It shall be the duty of the supervisors to whom the appeal is made, to proceed thereon as soon as may be convenient. Where the determination appealed from was against an application for laying out, altering, or discontinuing a road, the supervisors shall give notice to the commissioners by whom such determination was made. Where the appeal is from a determination in favor of an application for laying out, altering, or discontinuing a road, the notice shall be given to the commissioners, and to one or more of the applicants for such road. In all cases the notice shall specify the time and place at which the supervisors will convene to hear the appeal.

Eight days notice. § 34. Every such notice shall be served at least eight days before the time mentioned therein, by delivering the same to one of the commissioners whose determination is appealed from, or by leaving the same at his dwelling house. If the notice be also directed to an applicant, it shall be served in the same manner.

Meeting. § 35. It shall be the duty of the supervisors to convene at the time and place mentioned in the notice, and to hear the proofs and allegations of the parties. They shall have power to issue process to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall be conclusive in the premises, and every such deci-

sion shall be reduced to writing, be signed by the supervisors making it, and filed by them in the office of the town clerk of the town, who shall record the same.

§ 36. Every such supervisor shall be entitled to receive one dollar and fifty cents for every day employed in hearing and deciding of such appeal, to be paid by the party appealing, where the determination of the commissioners shall be affirmed, but where it is reversed, to be charged against the county. Compensation.

§ 37. Where an appeal shall have been made from a determination of the commissioners refusing to lay out or alter a road, and the supervisors shall reverse such determination, such supervisors shall lay out or alter the road applied for, and in doing so, shall proceed in the same manner in which commissioners of highways are directed to proceed in the like cases. Such roads shall be opened by the commissioners of the town in the same manner as it laid out by themselves. Reversal of decision.

§ 38. In case of any one of the supervisors, to whom such application shall have been made, shall become unable to attend before the determination of such appeal, it shall be the duty of the remaining supervisors named therein to associate with themselves another of the supervisors of the same court, who shall act with them in all subsequent proceedings, in the same manner as if he had been originally named in such appeal. In case the term of office of any supervisor shall expire before the determination of such appeal, he shall continue to act in the premises the same as if he had been re-elected. Inability to attend.

§ 39. No road which has been fixed by the decision of the supervisors, on appeal to them, shall be discontinued or altered so long as such supervisors or either them shall continue in such office, except by the order of the same supervisors, or such of them as shall continue in office, joined by such other supervisors as shall be necessary to make three; such additional supervisor or supervisors to be selected by the person applying for the discontinuance or alteration. No road discontinued in certain cases.

§ 40. If no one of the said supervisors shall continue in office, such application shall be made by any three of the supervisors then in office, not having any interest in the road so desired to be discontinued or altered.

§ 41. No application made under either of the two last preceding sections shall be acted upon by the supervisors, unless the same be accompanied by a certificate, signed by the commissioners of highways of the town in which such road is situated, stating their approbation of such application; and before the supervisors decide thereon, they shall proceed to view the road so desired to be discontinued or altered. They shall be entitled to the same compensation as above provided, to be paid by the applicant.

§ 42. Whenever the commissioners of highways shall have laid out any public highway, through any enclosed, cultivated, or improved lands, in conformity to the provisions of this act, and their determination shall not have been appealed from, they shall give the owner or occupant of the land through which such road shall have been laid, sixty days' notice in writing, to remove his fences; if such owner shall not remove his fences within sixty days, the commissioners shall cause such fences to be removed, and shall direct the road to be opened and worked. Notice to remove fences.

• § 43. If the determination of the commissioners shall have been appealed from, then the sixty days' notice shall be given after the decision of the supervisors upon such appeal shall have been filed in the office of the town clerk of the town.

Public roads
public high-
ways.

§ 44. The public roads now existing by law are declared the public highways of the towns in which roads shall lay.

Repealing
clause.

This act to take effect from and after its passage, and any former statutes, or parts of statutes which conflict with any of the provisions of this act, are hereby repealed, as affecting counties and towns which shall organise under the provisions of this act.

APPROVED February 12, 1849.

AN ACT to incorporate town and cities.

In force,
Feb. 10, 1849.

Persons com-
mitted to jail
required to
work on roads.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That any incorporated town or city in this state may have power to provide by ordinance that every person against whom any judgment may hereafter be recovered, in favor of said town or city, for a penalty or fine for a breach of any ordinance, instead of being committed to jail, may be required to labor on the streets until the whole fine and costs shall be paid, at the same rate per day as may be allowed as a forfeiture for a failure to perform street labor under the direction of the street commissioner.

May declare
what shall be
a nuisance.

§ 2. The corporate authorities of any city or town in this state may have power to declare what shall be a nuisance, and to prevent and remove the same as much as one-half mile beyond the limits of the corporation, with full power to impose a fine for a violation of any ordinance to that effect.

To pave, grade,
&c.

§ 3. Whenever it may be necessary to pave or grade any street or front lots, or to fill up or alter any lot that may be declared to be a nuisance, said corporate authorities may have power, upon the failure of the owner of any lot to pave, grade or fill up said lot, or to pay the taxes or fine that may be assessed on the owner or owners thereof, to require that said lot, or so much thereof as may be necessary, shall be sold for the payment of the tax or fine and cost, in the manner authorised for the collection of other taxes, and all assessments so made shall constitute a lien on said lot.

Pow's to towns
the same as
given to cities.

§ 4. The corporate authorities of all towns and cities incorporated under chapter twenty-five, entitled "corporations," of the revised code, or under any special act, shall have power to pass all the ordinances and by-laws, and possess all the powers authorised under the laws and amendatory acts incorporating either of the cities of Springfield or Quincy; provided that towns containing a population of less than fifteen hundred white inhabitants shall have no other officers or allow any other compensation than is allowed under chapter 25th of the revised code, unless expressly authorised by law.

Inhabitants of
town may form
a city.

§ 5. The inhabitants of any town containing a population of not less than fifteen hundred inhabitants may be incorporated by the name and style of the "city of ———," when a majority of the legal voters thereof shall vote in favor of being incorporated as a city, at

an election to be held at the court-house, notice being given, by being published for two weeks in succession in any newspaper published in said town, by the president and trustees of said town, or by giving such notice as may be prescribed under an ordinance passed by the president and trustees of said town.

§ 6. All the articles and provisions in either of the acts incorporating Quincy or Springfield, prescribing the duties of the president and trustees, ordering an election of city officers, prescribing the powers of the city, of the city council, executive officers, elections, legislative powers of city council, of the mayor, proceedings in special cases, and miscellaneous provisions, shall be the rule by which the corporate authorities of any city incorporated under the provisions of this act shall be governed; *Provided*, no city incorporated under this act shall be exempt from the payment of a county tax, nor be required to support the paupers. Powers and duties.

§ 7. The boundaries of any city incorporated under this act may include one mile square, and any tract of land adjoining laid off into town lots and duly recorded as required by law, and any tract of land adjoining said city, with the consent of the owner thereof, within the limits of one-half mile from the boundary of said city. Boundaries.

§ 8. The inhabitants of any town or city, in the corporate name, may purchase, receive, and hold real estate beyond the limits as May purchase grounds.
[of] their corporate limits for the purpose of burying grounds.

§ 9. Whenever the corporate authorities of any town or city may wish to have the taxes, authorised to be levied under and by virtue of their respective charters, or under the general act, upon filing a certificate of the rate authorised under the authority of the said corporation, in the office of the clerk of the county court, it shall be the duty of the collector of taxes for the state and county to collect the taxes for said town or city upon the assessment of the value of all the property within the limits of said corporation, as ascertained by the assessment for state and county purposes, and enforce the payment thereof in the same manner, and with all the rights, power and authority as he has to collect state and county taxes, and shall pay the same over to the order of the corporate authorities at the same time he is required to pay over the county revenue, and the court of the proper county shall render judgment and order sale of any lot or tract for the non-payment of the tax and cost due said town or city, as is or may be provided for state and county taxes; and judgment and sale shall be rendered for the aggregate amount due for county, state and town, or city taxes. The collector shall receive the same compensation for collecting the taxes for any town or city, as is allowed for the collection of the state and county revenue; to be paid out of the funds of the corporation, and he shall be liable on his bond for the faithful performance of the duties required under this act. Taxes.

§ 10. This act to take effect from and after its passage.

APPROVED February 10, 1849.

In force
April 13, 1849.

AN ACT to incorporate the town of Waterloo, in Monroe county.

Inhabitants incorporated. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the inhabitants and residents in the town of Waterloo, in Monroe county, are hereby made a body corporate and politic in law and in fact, by the name and style of the "President and board of trustees of the town of Waterloo," and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Boundary. § 2. The boundary of said corporation shall include all that tract of land contained within the limits of the north-east fractional quarter of section number twenty-five, in town two south, of range ten west, of the third principal meridian.

Election of trustees. § 3. That there shall, on the first Monday of May next, be elected five trustees, and on every first Monday of September thereafter; who shall hold their offices for one year, and until their successors are duly elected and qualified, and public notice of the time and place of holding said election shall be given by the president and trustees, by an advertisement published in a newspaper in said town, or posting it up in at least four of the most public places in said town. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town six months next preceding his election, and who is

Qualification of voters. not, at the time thereof, a *bona fide* freeholder; and moreover, who has not paid a tax. And all white free male inhabitants over twenty-one years of age, who have resided in said town three months next preceding an election, shall be entitled to vote for trustees.

Trustees shall meet. And the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board, which may be occasioned by death, resignation, or removal, or six months absence from the town, and to appoint a clerk, an assessor, a treasurer, a street inspector, and a town constable, to give bond and security in such amount as the trustees may require; and the said town constable shall take an oath, or affirm before some justice of the peace, that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines, and serve all processes, at the suit of the corporation; and to do such other matters and things pertaining to the office as may be required of him by the ordinances and by-laws of said corporation.

Powers of corporation. § 4. The said corporation is hereby made capable in law to take and hold to themselves and their successors, any lands, tenements, hereditaments, and the rents, issues, and profits thereof, which may be necessary for the erection of any public school house in said town, market house, or other public buildings, to promote the interests and public good of the citizens of said town, and the same to sell, grant, and dispose of if necessary. They shall also have power to regulate, to grade, pave, and improve the streets, lanes, and alleys, within the limits of said town and corporation, and to extend, open, and widen the same, making the persons injured thereby, adequate compensation. To ascertain which the board shall cause to be summoned six good and lawful men, freeholders and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration

as well as the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending, or widening of any street, avenue, lane, or alley; and shall, moreover, estimate the amount which other persons will be benefitted thereby, and shall contribute towards compensating the person injured. All of which shall be returned to the board of trustees, under their hands and seals, and the persons who shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided, and the residue, if any, shall be paid out of the town treasury; and said corporation shall have power to sue and be sued, plead, answer, and be answered in any court whatever.

§ 5. The trustees aforesaid and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient; and to ordain and establish and put into execution such by-laws, ordinances and regulations as shall seem necessary for the government of said corporation, and for the management, control, disposition, and application of its corporate property; and generally to do and execute, all and singular, such acts, matters and things, which to them may seem necessary to do, and not contrary to the laws and constitution of this state.

Rules and regulations of the board of trustees.

§ 6. The said trustees shall have power to levy and collect a tax, not exceeding one half of one per cent., on all lots and improvements and personal property lying and being within the incorporate limits of said town, according to valuation; to tax public shows, and houses of public entertainment, taverns, stores, and groceries, for the purpose of making and improving the streets, and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility as the interest and convenience of the inhabitants of said town may require, and the circumstances render proper and expedient; and said trustees may adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine; and to prescribe the manner of selling property, when the tax levied upon it is not paid; *Provided*, no sale of any town lots or other real estate shall be made until public notice of the time and place shall be given by advertisement in the newspapers, or at four of the most public places in said town, at least fifteen days previous thereto; *Provided*, that in conducting such sale, the provisions of the act concerning public revenue, so far as the same may be applicable, shall be complied with.

Fees.

Proviso.

§ 7. That the trustees of said town, or a majority of them, shall have power to preserve good order and harmony in said town; to punish for open indecency, breaches of the peace, gambling, gaming houses, horse racing, shooting, and all disorderly houses, and riotous meetings; to remove obstructions in the streets and public ways, and all nuisances—for which purpose they may make such by-laws and ordinances as to them may seem expedient, and not inconsistent with any public law of this state, and impose fines for the breach thereof; which fines shall be recoverable before any justice of the peace residing in said town. And all suits and judicial proceedings under this act shall be brought in the name and style of the "President and trustees of the town of Waterloo."

Further powers of trustees.

Duty of town justices.

§ 8. It shall be the duty of any justice of the peace residing in said town, and he is hereby authorised and empowered, upon the violation of any law or ordinance of said corporation, to issue his warrant, directed to the town constable, or any authorised county officer, to apprehend the offender or offenders, and bring them or him forthwith before him, and after hearing the evidence, if it shall appear that the said accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be pointed out in such law or ordinance; *Provided*, such fine shall not exceed five dollars, and imprisonment not to exceed twenty-four hours; *Provided, however*, that writs of *certiorari* and appeals shall be granted from judgments under this act, as in other civil cases; and in all criminal cases the defendant shall be entitled to an appeal to the county or circuit court by entering into bond or recognizance, as the case may require, before the justice of the peace, within twenty days after the rendition of the judgment, with such securities and in such an amount as the justice shall think right and proper; and all fines imposed for a breach of the peace, or a violation of the corporation ordinances, shall be paid into the treasury of said corporation.

Town lots sold for taxes.

§ 9. That when any town lots or real estate shall be sold for taxes, by virtue of this act, the same may be redeemed at any time within two years from the date of such sale, by the owner of said property, or his or her agent, executor, or administrator, paying to the treasurer of said town, for the use of the purchaser of said property, the full amount of purchase money, with interest at the rate of twelve per cent. per annum, together with the costs accruing thereon.

Special tax.

§ 10. That upon the application of the owners of two-thirds of the front lots on any street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said streets, or parts of a street, according to their respective fronts, not to exceed one per cent., for the purpose of grading and paving the said side-walks on said street.

Town ordinances.

§ 11. That all ordinances of said trustees shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town, or posted up at three of the most public places in said town; and no ordinance shall be in force until published as aforesaid, at least ten days.

Fees of justices and constables.

§ 12. The justices of the peace and constables who are required to render services under this act, shall be entitled to the same fees, and collect them in the same manner, as now is or may hereafter be provided by law.

Special meeting of trustees.

§ 13. That the president or any two of the trustees shall have power to call a meeting of the board, by giving one day's notice thereof; and a majority shall constitute a quorum to do business, but a minority shall have power to adjourn from time to time, to compel the attendance of absent members, and in the event that the notice of an election is not given, as required by this act, or from any other cause, that an annual election shall not be holden at the proper time, it shall be lawful for the clerk of the board, or any two qualified voters in said town, at any time thereafter, to give notice as aforesaid, of the time and place of holding a special election; and the trustees elected at such special election, shall have all the powers conferred by this act.

§ 14. That the qualified voters within the corporation shall, at the first annual election for trustees, vote for or against becoming incorporated under the provisions of this act; and if two-thirds of all the votes given at said election are in favor of being incorporated, then this act to be in force, otherwise, to be null and void.

Vote to be taken.

APPROVED February 12, 1849.

AN ACT to change the venue of certain suits therein named from Mercer circuit court to Rock Island circuit court.

In force
April 13, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the venue of all civil causes pending and undetermined in the circuit court of Mercer county, restraining or enjoining certain officers from removing their offices from the town of Wadsworth to the town of Keokuk, and all civil suits or causes in said court pending, involving, indirectly or directly, the location of the county seat in said county, is hereby changed to the county of Rock Island.

Venue changed.

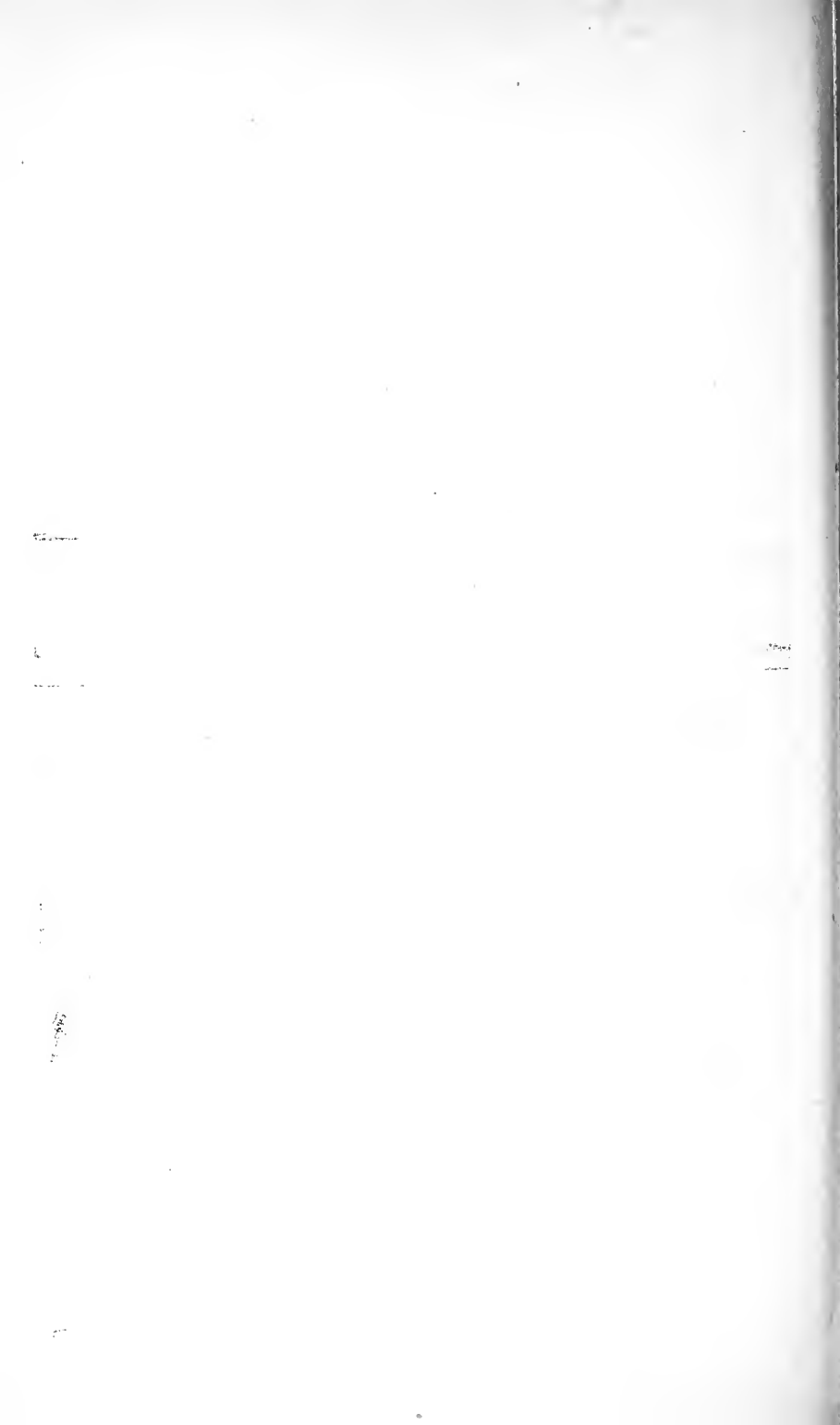
§ 2. Upon filing a copy of this act in the clerk's office of the circuit court of said county, or either of them, the said clerk shall file the same in his office, and shall immediately make a full transcript of the records and proceedings in each of the aforesaid civil causes, and shall certify and transmit the same to the circuit court of Rock Island county, together with all papers filed in each case, appertaining to or forming part of the record; and the clerk of said circuit court for the county of Rock Island shall file the same, and said cause shall be docketed by him, and shall be proceeded in and determined by the court in all things, before and after judgment, as if it had originated therein.

Duty of clerk.

§ 3. All questions concerning the regularity of proceeding in obtaining and effecting the change of the venue of the aforesaid causes, and the right of the court to which the change is made to try the causes and execute the judgment therein, shall be considered as waived after trial and judgment.

§ 4. The county commissioners' court of said county of Mercer may, by an order of the said court, direct that no copy of this act be filed in said clerk's office, in which case this act shall be held annulled and avoided.

APPROVED February 12, 1849.



JOINT RESOLUTIONS.



JOINT RESOLUTIONS.

JOINT RESOLUTIONS for the improvement of the Mississippi river at the Des Moines Rapids on said river.

Whereas, the navigation of the Mississippi river is greatly obstructed by the Des Moines Rapids, and it is proposed to improve such navigation by making a canal upon and around said rapids, on the Illinois side of said river, by the erection of certain walls, dams, locks and other works in said river, which shall not obstruct the free navigation of the present channel of the river, for which purpose the consent of congress is desired; therefore, Preamble.

Be it resolved by the people of the state of Illinois, represented in the general assembly, That congress be, and is hereby, requested to pass an act granting their consent that any dams, walls, locks or other works may be placed in the Mississippi river on or near the Des Moines Rapids, on the Illinois side thereof, for the purpose of improving the navigation thereof, or for hydraulic purposes; which shall not obstruct the free navigation of the present channel of said river. Such improvement to be made by, or under the direction of, or by the authority of the legislature of the state of Illinois. Permission of congress asked to build dam.

Resolved. That our senators and representatives in congress be requested to use all proper exertions to secure the passage of an act to promote the ends in the foregoing preamble and resolution contemplated. Delegation instructed.

Resolved, That the governor be respectfully requested to transmit to our senators and representatives in congress, at as early a day as practicable, a copy of the foregoing preamble and resolutions. Governor to transmit to delegation.

JOINT RESOLUTION asking a grant of lands to aid in the construction of certain railroads.

Resolved by the Senate, the House concurring herein, That our senators in congress be instructed, and our representatives in congress be requested, at as early a day as possible, to use their best endeavors. Congressional delegation to ask a grant of land.

ors to secure a liberal donation to the state of Illinois, of the public lands lying contiguous to the routes of the Central, Northern Cross, and the Galena and Chicago Union railroads, for the purpose of aiding in their construction.

Resolved, That the governor be respectfully requested to forward a copy of the foregoing resolution to each of our senators in congress.

JOINT RESOLUTION on the subject of postage.

Resolved by the Senate and House of Representatives of the general assembly of Illinois, That our senators be, and are hereby, instructed, and our representatives in the congress of the United States be requested, to use their exertions to procure such a revision of the post office laws as shall fix the postage on letters at the uniform rate of five cents; and abolish the requirement now existing that transient newspapers must be prepaid at the office in which they are deposited, in order to their being forwarded through the mails.

Resolved, That his excellency, the governor, be requested to forward to each of our senators and representatives in congress a copy of the foregoing resolutions.

JOINT RESOLUTION instructing our senators and representatives on the subject of slavery.

Resolved by the senate of the state of Illinois, the House of Representatives concurring, That our senators in congress be instructed, and our representatives requested, to use all honorable means in their power to procure the enactment of such laws by congress for the government of the countries and territories of the United States, acquired by the treaty of peace, friendship, limits and settlement with the republic of Mexico, concluded February 2d, A. D., 1848, as shall contain the express declaration "that there shall be neither slavery nor involuntary servitude in said territories, otherwise than in the punishment of crimes whereof the party shall have been duly convicted."

Resolved by the House of Representatives, the Senate concurring herein, That the governor be respectfully requested to transmit to each of our senators and representatives in congress a copy of the joint resolution of the senate, concurred in by the House on the 9th instant, for the exclusion of slavery from the new territories acquired by our late treaty with the republic of Mexico.

JOINT RESOLUTIONS of instructions to the senators and representatives in congress from the state of Illinois.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives be requested, at as early a day as possible, to use their best endeavors to secure to the states of Illinois and Indiana a liberal donation of public lands contiguous to the routes of the Mt. Carmel and Alton, and Mt. Carmel and New Albany railroads, for the purpose of aiding in the construction of said roads as early as practicable; and also a similar donation to the state of Illinois for the Springfield and Alton branch, and the western portion of the Northern Cross railroad of the state of Illinois, terminating at Quincy

Congressional delegation to urge a grant of land for railroads.

Resolved, That the governor be respectfully requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress.

Governor to forward resolutions.

JOINT RESOLUTIONS on pre-emption rights.

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That our senators in Congress be instructed, and our representatives requested, to use their influence in favor of pre-emption rights being granted to persons now actual settlers on the public domain that may be granted to this state for building railroads or other internal improvements.

JOINT RESOLUTION in regard to the improvement of the Mississippi, Ohio, and Illinois rivers.

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That our senators in congress be instructed, and our representatives be requested, to use all proper and honorable means to obtain the passage of laws for the improvement of the navigation of the Mississippi, Ohio, and Illinois rivers, and for the improvement and protection of harbors upon the northern lakes.

JOINT RESOLUTION in relation to a marine hospital at Rock Island.

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be instructed, and our representatives requested, to use all honorable exertions to procure the passage of an act to direct the secretary of war to select a suitable

Instructions to congressional delegation.

tract of land upon the island of Rock Island, in the state of Illinois, for the site of the necessary buildings for a marine hospital, with the necessary appurtenant grounds, and directing the sale of the remainder of the lands upon said island, in small quantities, at public sale. The proceeds of said sale to be appropriated to the establishment and support of said marine hospital; and that the governor be requested to forward a copy of this resolution to our senators and representatives in congress.

JOINT RESOLUTION relating to re-location of school land.

Preamble.

Whereas, the United States have donated to this state one section of land, for the use of the inhabitants of each township for the use of schools; and whereas, the evident design of said donation was, that the inhabitants of each township might thereby have secured to them the means of raising a common school fund; and whereas, in many townships the land thus donated is so utterly valueless that it cannot be sold at any price whatever, while in other townships an ample school fund has been realised from the land so donated; and whereas, it is but sheer justice that the townships in which said lands are valueless should have lands from which they can realise a school fund; therefore,

Congressional
delegation in-
structed to
urge passage
of law.

*Resolved by the House of Representatives, the Senate concurring here-
in,* That our senators in congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law by congress, authorising the selection of other lands in lieu of such of the lands donated as above stated as are valueless or unsaleable.

Governor to
transmit to
delegation.

Resolved, That the governor forward to each of our members in Congress a copy of the foregoing preamble and resolution.

JOINT RESOLUTION for the presentation of swords.

Governor to
procure swords

*Resolved by the House of Representatives, the senate concurring
herein,* That the governor of the state of Illinois be authorised and requested to procure suitable swords, with proper devices and inscriptions, to be presented in the name and behalf of the people of this state to Brevet Major General Shields, and to each of the colonels of the 2d, 3d, and 4th Illinois regiments, and that like swords be presented to each of the field officers from this state engaged in the Mexican war, as a public testimonial of their admiration for the gallant conduct of these officers at the battles of Buena Vista, Cerro Gordo, and elsewhere.

Sword to eldest
son of Col.
Hardin.

Resolved, That cherishing with the profoundest sentiments of veneration the memory of the lamented Col. John J. Hardin, and entertaining the liveliest sense of gratitude for his invaluable services as the commanding officer of the gallant first Illinois regiment,

and with a desire to testify our high admiration for the valor and chivalry displayed by him at the battle of Buena Vista, at which he fell, that the governor be authorised to procure a sword similar to those designated by the first resolution, and that he present the same to the eldest son of the lamented Hardin, as a memorial of the respect and admiration entertained by the people of this state for the virtues, bravery and memory of the deceased.

JOINT RESOLUTION relating to the transportation of free persons of color.

Whereas, efforts have been made to create the impression that the citizens of the free states desire to interfere with the institution of slavery in the states where it exists by law; and whereas, such efforts are likely to create discord and jealousy among the several states, and weaken the bonds of our glorious Union; and whereas, we desire most earnestly to undeceive our brethren of the southern states on the subject, and manifest our fraternal regard for them, and to contribute all in our power to assist in relieving them of the burden of slavery, in the manner best suited to their feelings and interests; therefore,

Be it resolved by the Senate, the House of Representatives concurring herein, That our senators in congress be instructed, and our representatives requested, to employ all constitutional means in their power to procure ample resources by the general government to remove all such free persons of color as can be induced to emigrate to Liberia, or elsewhere in Africa, and to provide for their necessary wants.

Instructions to
congressional
delegation.

Resolved, That the governor be requested to transmit a copy of the above preamble and resolution to each of our senators and representatives, with a request that the subject be brought before congress.

JOINT RESOLUTION in relation to postage.

Resolved by the Senate, the House of Representatives concurring herein, That the governor be required to pay or cause to be paid out of the contingent fund, the postage on papers, letters, and public documents, received by or sent out by the members of the legislature and officers thereof.

JOINT RESOLUTION relative to, the construction of a dyke in the Mississippi river opposite the city of St. Louis.

Preamble.

Whereas, a suit has been pending in the St. Clair county circuit court, on the equity side thereof, wherein the people of the state of Illinois were plaintiffs and the city of St. Louis and others were defendants, the general object of which said suit was to restrain and prohibit the said defendants from obstructing the navigation of the Mississippi river by the construction of works designed for the improvement of the harbor of said city; and whereas, the general assembly of the state of Illinois is desirous of interposing no objections to any improvements of the harbor of St. Louis which can be constructed without injury to the general navigation of the main channel of the Mississippi river; be it therefore,

St. Louis au-
thorities
complete
works.

Resolved by the House of Representatives, the Senate concurring herein, That upon a compliance with the conditions and terms hereinafter mentioned, the city of St. Louis is hereby authorised and empowered to proceed with and complete the works now in progress of construction within the limits of this state, designed for the improvement of the harbor of the said city of St. Louis, in the Mississippi river, according to the ordinances of said city, heretofore passed by the city council of St. Louis, for that purpose.

To file bond.

2d. The city of St. Louis shall cause to be filed in the office of the secretary of state for this state, a bond or other instrument in writing, good and valid in law, to be approved by the governor of this state, binding the said city of St. Louis, as soon as practicable, to complete and construct a road or highway over the dam or dyke now in progress of construction by said city, opposite the town of Illinois town, from Bloody Island to the main land on the Illinois shore; said road to be so constructed as to afford a safe and commodious highway from the Illinois shore to and upon Bloody Island; and further, that the owners of the property on the Illinois shore and of Bloody Island, to and on which said road is to be constructed, will grant the right of way, and undisturbed to the public forever, over said road or highway, without any toll or tax therefor; but this easement or right of way shall not extend to any incorporated or chartered company, except the St. Clair county ferry and the St. Clair County Turnpike company, saying to the owners of said land, commonly known as the Wiggins Ferry company, all rights granted, and now vested in them under and by virtue of the laws of this state and their acts of incorporation.

Privileges re-
served to the
St. Clair Ferry

3d. That all the rights and privileges to a ferry landing are hereby reserved to the St. Clair county ferry to which they are entitled under the provisions of an act of the general assembly of this state, approved March 2, 1839; and the city of St. Louis shall file or cause to be filed with the county commissioners' court of St. Clair county, such an instrument in writing, as shall be adjudged sufficient by the governor of this state, as will secure to the said St. Clair county ferry, either a landing for said ferry on Bloody Island on the Mississippi river, running out from and fronting as near as may be the landing which said St. Clair county ferry had on the main land of the Illinois shore before the making of said improvements. Or, that if said St. Clair county ferry shall be compelled to condemn a road and ferry landing, according to the provisions of her said act of incorporation, that then the city of

St. Louis will pay the amount of damages that may be assessed in such proceedings, and the costs thereof. But said city of St. Louis shall be obliged to secure to said St. Clair county ferry, the rights she now has, and such as may be determined to belong to said ferry by a suit now pending in the supreme court of the United States between the said St. Clair county ferry and the Wiggins Ferry company.

4th. The city of St. Louis shall, in accordance with the general plan of said works, construct the two dams or dykes from the main Illinois shore to the dam or dyke running from Venice to the head of Bloody Island, and which dams or dykes are designated on the map of said works, compiled in January, 1849, by Henry Keyser, superintendant of said works, as W. and V., one running from Brooklin and the other from the line dividing Madison and St. Clair counties, to said main dyke from Bloody Island to Venice. Said two cross dams to be constructed simultaneously with such main dyke and cross dykes, to be completed within two years from the adoption of these resolutions; and the owners of the Madison county ferry are authorised to construct a road or highway on said cross dam marked V., and the Illinois Coal company are authorised to construct a road or highway on said cross dam marked W.; but said roads shall be constructed so as not to injure said works, and are to extend to the river and be free to the public forever as highways. And the said Illinois Coal company may use said road on said dam marked W., as a highway, for the passage of persons and property, by railroad or otherwise, to and from the main shore to the said main dyke. And said Madison county ferry may use said road on said dam marked V., as a highway for the passage of persons and property to and from said shore on the Mississippi river; and any arrangement which the owners of said ferries shall respectively make with the city of St. Louis, respecting said cross dams, or the road thereon, as to their construction and the time thereof, shall be good and valid; *Provided*, said arrangement does not interfere with the navigation of the main channel of the Mississippi river, or private rights.

5th. That nothing in the foregoing resolutions shall be so construed as to authorise the city of St. Louis to impede, obstruct, or in any manner injure the navigation of the main channel of the Mississippi river, nor to impair the sovereignty or jurisdiction of this state, where said improvements are to be made within the territorial limits of this state, nor to invalidate any claim which any citizen of this state may now or hereafter have against the said city of St. Louis for damages sustained by reason of the construction of said works, or the overflow of water caused by the same. And the governor of this state is hereby authorised to modify the terms contained in the foregoing resolutions, or either of them, if in his judgment such modification shall promote the public interests, or that harmony and good feeling which the general assembly desires to cultivate, and which should subsist between the people of the states of Illinois and Missouri.

Mode of constructing work.

Not to injure navigation of main channel.

No claim invalidated.

JOINT RESOLUTION relative to granting bounty lands to soldiers in the last war with Great Britain.

Whereas, the general government has large quantities of vacant land; and whereas, it is our true policy to promote their speedy settlement; and whereas, the brave citizens who rushed to the defence of their country in the war with Great Britain, ought not to be forgotten or neglected, but should be rewarded for their services and privations as the gallant soldiers of the Mexican war have been; therefore,

Resolved by the House of Representatives, the Senate concurring herein, That our senators in congress be, and they are hereby instructed, and our representatives requested, to use their best efforts to obtain the passage of a law granting a bounty in land to the soldiers of the last war with Great Britain, both regulars and volunteers, or their representatives.

STATE OF ILLINOIS,

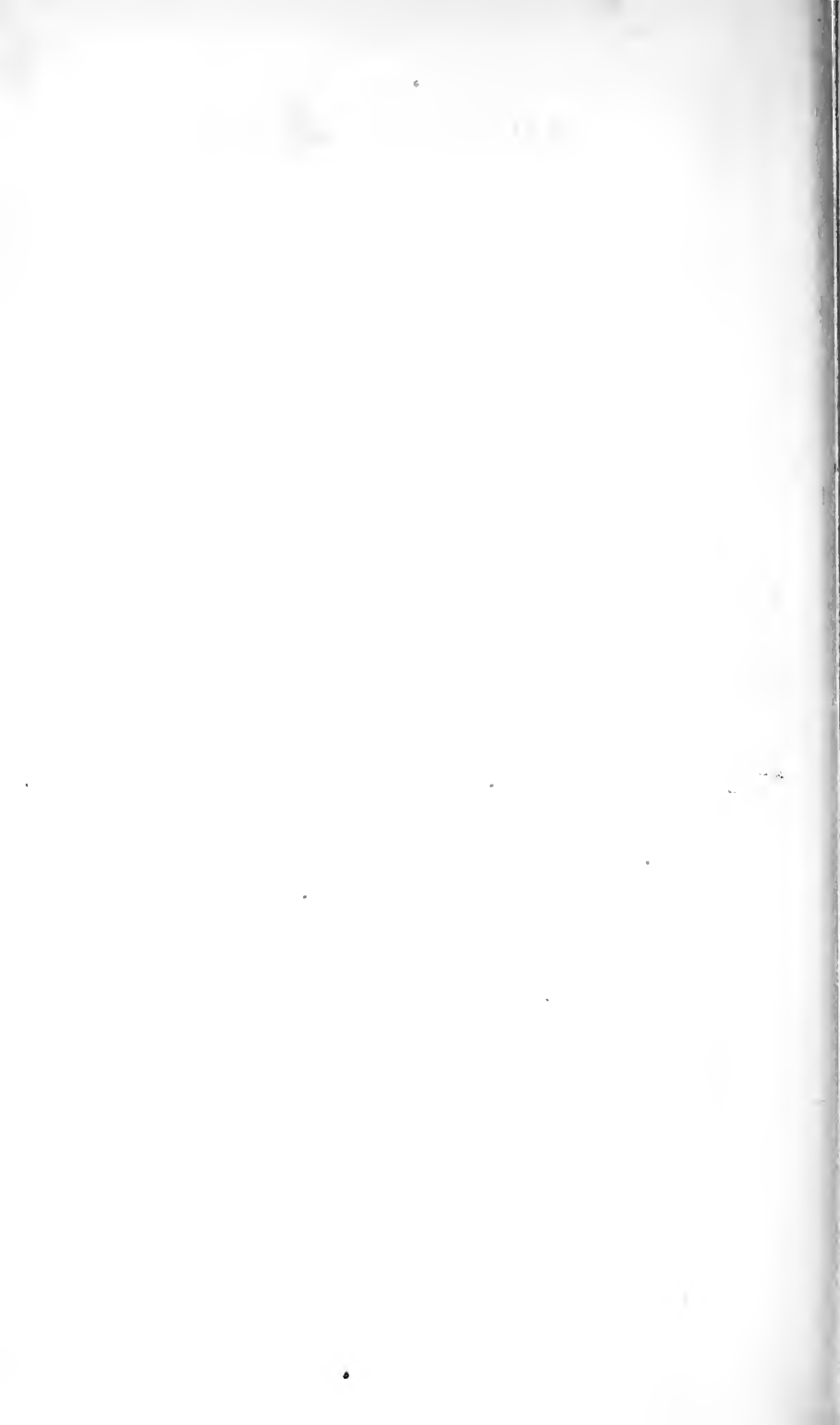
Office of Secretary State.

I, HORACE S. COOLEY, secretary of state of the state of Illinois, hereby certify the foregoing to be true and perfect copies of the enrolled laws of a general nature, and joint resolutions, deposited in this office; the words printed in brackets, thus, [] in the several laws in which they occur, not being in the enrolled laws, but are introduced in the printed laws for the purpose of correcting and explaining the same.

In testimony whereof, I have hereunto subscribed my name at Springfield, this 14th day of June, 1849.

HORACE S. COOLEY,
Secretary of State.

REPORTS
OF THE
AUDITOR AND TREASURER.
FOR 1849.



BIENNIAL REPORT
OF THE
AUDITOR OF PUBLIC ACCOUNTS,
OF THE
STATE OF ILLINOIS.

AUDITOR'S OFFICE, ILLINOIS,
Springfield, January 12, 1849.

*To the Honorable,
the Speaker of the Senate:*

SIR: In pursuance of law, I have the honor to submit to the general assembly the following report.

I have the honor to be, with great respect,

Your obedient servant,

THOS. H. CAMPBELL,
Auditor of Public Accounts.

Cr.

REVENUE.

Dr.

To balance in the treasury on the 1st December, 1846,	\$8,327 14	By amount of auditor's warrants cancelled by late treasurer and deposited in the auditor's office,	\$197,947 40
To amount received from collectors from 1st December, 1846, to 12th August, 1848,	297,934 48	By interest on same,	92 45
To amount received from clerks for redemption and sales of forfeited property during same time,	1,165 45	By amount of certificate for the interest on the school, college and seminary funds received for revenue from collectors cancelled and deposited in the auditor's office by late treasurer,	67,014 23
To amount from clerks on insurance during same time,	1,086 01	By amount of auditor's warrants cancelled by J. Moore, esq., state treasurer and deposited in the auditor's office by him on account of late treasurer,	54,794 79
To amount from secretaries of state on hawkers' and peddlers' licenses during same time,	100 00	By amount of interest on same,	125 04
To amount for state lands sold under pre-emption laws during same time,	1,787 50	By amount of certificates for the interest on the school, college and seminary fund,	24,841 99
To amount for rent of internal improvement house at Jonesboro during same time,	260 00	By amount of auditor's warrants cancelled and deposited in the auditor's office, from Aug. 12, 1848, to Nov. 30, 1848,	35,584 30
To amount for redemptions by minor heirs during same time,	24 00	By amount of interest on same,	40 05
To amount of warrant-refunded, being issued in error, during same time,	177 51	By amount of certificates for the interest on the school, college and seminary fund, cancelled and deposited in the auditor's office by treasurer,	8,390 89
To amount from Wm. H. Stickney, administrator of the estate of T. D. Hewitt, deceased, late commissioner of saline lands during same time,	241 01		
To amount for sales of seminary lands during same time,	400 00		
To amount of three per cent fund received from United States during same time,	200 00		
To amount of distribution fund received from the U. States during same time,	49,634 35		
To amount from Murray McConnel, for Crismans, for judgment in Morgan county circuit court, for forfeiture of recognizances during same time,	2,596 38		
To amount received by state treasurer from collectors from 12th August, 1848, to November 30th, 1848,	577 50		
To amount from clerk on redemption during same time,	10,169 38		
To amount from sales of seminary lands during same time,	48 81		
	100 00		
To balance,	\$405,315 52	To amount to balance,	16,484 28
	16,484 38		\$405,315 52

INTEREST FUND.

Dr.

Cr.

To balance of interest fund in treasury Nov. 30th, 1846,	\$24 33	By amount of auditor's warrants issued for the interest fund,	
To amount of interest fund received by late treasurer from December 1st, 1846, to August 12th, 1848.	206,622 00	cancelled and deposited in the auditor's office by late treasurer,	\$110,104 50
To amount of interest fund received by John Moore, state treasurer, from Aug. 12th, 1848, to Nov. 30th, 1848,	28,321 92	By amount of auditor's warrants issued for interest fund, cancelled and deposited in auditor's office by John Moore, esq., treasurer, on account of late treasurer,	81,485 00
		By amount of auditor's warrants issued for interest fund, cancelled and deposited in the auditor's office by treasurer,	42,549 50
		To amount to balance,	829 25
To balance, - - - - -	\$234,968 25		\$234,968 25

INSANE HOSPITAL TAX.

Dr.

Cr.

To amount of Insane Hospital tax received by late treasurer from Dec. 1st, 1846, to August 12th, 1848,	\$8,378 39	By amount of auditor's warrants issued for Insane Hospital tax, cancelled and deposited in auditor's office by late treasurer,	\$765 00
To amount of Insane Hospital tax received by John Moore, state treasurer, from Aug. 12th, 1848, to November 30th, 1848,	3,583 45	By amount of auditor's warrants issued for Insane Hospital tax, cancelled and deposited in the auditor's office by John Moore, esq., state treasurer, on account of late treasurer,	7,443 00
		By this amount paid by the treasurer, for which warrants have not yet been issued,	3,518 39
		To balance,	235 45
To balance, - - - - -	\$11,961 81		\$11,961 84

A Statement, showing the amount of warrants drawn upon the Treasurer from the 1st day of December, 1846, to the 1st day of December, 1848, for the current expenses of the state, and charged to the following accounts:

To what account charged.	Amount.
Advertising delinquent lauds, - - - -	\$3,016 52
Appropriations, special, including relief laws, &c., - - - -	5,310 64
Appropriations for defraying expenses of Hancock war, - - - -	43,992 89
Appropriation for funding state debt, - - - -	2,493 96
Appropriation for preserving state arms, - - - -	1,461 96
Appropriation for repairing the governor's house, - - - -	404 81
Appropriation for completing the state-house, - - - -	14,505 80
Appropriation to the Deaf and Dumb Asylum, - - - -	6,000 00
Appropriations, general, providing for the payment of supreme court reports, election returns, &c., - - - -	7,298 44
Bounty, on wolf scalps, under old law, - - - -	63 50
Correcting records, by auditor, - - - -	1,944 10
Correcting records, by John B. Weber, under special law, - - - -	1,077 24
Clerks' and sheriffs' fees on judgments, - - - -	179 56
Clerks' fees on forfeited lands and lots and transcript of sales, - - - -	2,781 54
Conveying convicts to the penitentiary, - - - -	6,556 58
Contingent fund, - - - -	2,435 88
County assessors' for 1845 and '46, - - - -	3,668 51
County tax on lands redeemed in 1844, - - - -	50 52
Convention to amend the constitution, including pay of members and officers, stationery, printing, &c., - - - -	72,815 29
Distribution of laws and journals, - - - -	2,483 00
Deaf and Dumb Asylum, being one quarter per cent. on school, college and seminary fund for 1846 and '47, - - - -	4,384 13
District court in adjusting Massac county difficulties, - - - -	7,809 19
Fugitives from justice, - - - -	365 83
General assembly, session 1846 and '47, - - - -	71,716 76
Incidental expenses, - - - -	8,374 78
Judges of supreme court, including balance on old appropriation, - - - -	24,274 40
Judge of Cook and Jo Daviess county courts, - - - -	1,404 86
Money refunded on lands redeemed by minor heirs, - - - -	353 09
Money refunded on lands sold in error, and amount of state revenue overpaid by collectors, - - - -	1,885 28
Public printing, - - - -	5,452 13
Public binding, - - - -	1,359 23
Sheriff, for attending supreme court, - - - -	460 00
Taking census in 1845, - - - -	87 32
The auditor, on appropriation of 1844 and '45, - - - -	483 35
The auditor, on appropriation of 1846 and '47, - - - -	3,902 78
The attorney general, on appropriation of 1844 and '45, - - - -	276 14
The attorney general, on appropriation of 1846 and '47, - - - -	750 00
The adjutant general, - - - -	666 66
The brigade majors, for inspecting Illinois militia, - - - -	800 00
The governor, on appropriation of 1844 and '45, - - - -	691 00
The governor, on appropriation of 1846 and '47, - - - -	3,000 00
The governor, for house rent, - - - -	40 00
The prosecuting attorneys of Cook and Jo Daviess county courts, on appropriation of 1844 and '45, including special appropriation, - - - -	230 59
The prosecuting attorneys of Cook and Jo Daviess county courts, on appropriation of 1846 and '47, - - - -	475 00
The porter of the state-house, on appropriation of 1844 and '45, - - - -	58 33
The porter of the state-house, on appropriation of 1846 and '47, - - - -	490 00
The secretary of state, on appropriation of 1844 and '45, - - - -	201 67
The secretary of state, on appropriation of 1846 and '47, - - - -	1,636 40
The secretary of state, for making index, &c., - - - -	475 00
The secretary of fund commissioner, on appropriation of 1844 and '45, - - - -	250 00
The secretary of fund commissioner, on appropriation of 1846 and '47, - - - -	610 00
The treasurer of state, on appropriation of 1844 and '45, - - - -	200 00
The treasurer of state, on appropriation of 1846 and '47, - - - -	1,361 62

Statement—Continued.

To what account charged.	Amount.
The circuit attorneys, on appropriation of 1844 and '45, - -	\$699 94
The circuit attorneys, on appropriation of 1846 and '47, - -	2,612 50
	<u>\$326,528 72</u>
The aggregate amount paid for the ordinary expenses of government is, -	166,878 72
The aggregate amount for special appropriations, -	159,650 00
	<u>\$326,528 72</u>

A STATEMENT of the amount drawn from the treasury on account of the contingent fund, from the first December, 1846, to the first December, 1848.

Date.	To whom paid, and for what.	Amount.
1846.		
December 2	To warrants to S. Penn, in full, for publishing proposals for paper, - - - - -	2 00
" "	To warrants to John E. Jackson, in full, for amount of contingent expenses of troops at Nauvoo, - - - - -	75 00
" "	To warrants to F. C. Gray, in full, for his expenses as special messenger to Jacksonville, by order of the governor, - - -	1 50
" 5	To warrants to Flacks & Doway, in full, for medicine furnished for the volunteers at Nauvoo in 1846, - - - - -	40 00
" 8	To warrants to Samuel Hunt, in full, for attendance as witness in case of the people <i>vs.</i> Crissman, for stealing railroad iron, - - - - -	8 50
" 12	To warrants to H. H. Cole, in full, for attendance as witness in case of the people <i>vs.</i> certain persons for stealing railroad iron, - - - - -	20 00
" 21	To warrants to S. P. Shope, in full, for collecting and taking care of state arms up to this date, - - - - -	30 00
" 26	To warrants to E. Bonney, in full, for his services and expenses in Hancock county in October and November, 1846, by order of the governor, - - - - -	30 00
1847.		
January 2	To warrants to T. L. Walker in full for his services and expenses in arresting and delivering to Rock Island county, W. R. Redding, one of the murderers of Col. Davenport, - - - - -	200 00
" 16	To warrants to E. Bonney, in full, for his services and expenses in arresting Wm. Fox, under requisition of governor Ford, Dec. 26, 1845. - - - - -	146 00
February 24	To warrants to E. Peck, in full, for amount paid by him for printing abstracts for the use of the state, - - - - -	5 00
March 16	To warrants to H. S. Cooley, in full, for fees of J. Dougherty as attorney, and cost of suit in case of the state <i>vs.</i> Elijah Willard, - - - - -	35 00
" "	To warrants to J. Bunn, in full, for three kegs of powder furnished state for firing salute on 8th January, 1847, - - - - -	24 00
March 19	To warrants to John Connelly, in full, for hauling arms and ammunition belonging to troops under governor Ford in 1846, - - - - -	31 50
April 7	To warrants to Geo. W. Akin, in full, for his services and expenses going to Massac county by order of the governor, - - -	15 00
" "	To warrants to A. D. Duff, in full for his expenses going to Massac county by order of the governor, - - - - -	15 00
" "	To warrants to Samuel K. Casey, in full, for his services and expenses going to Massac county by order of the governor, - - -	15 00
" 28	To warrants to M. Carpenter, in full, for conveying and guarding \$35,000 in specie from Springfield to Lockport, - - -	100 00
June 25	To warrants to John Wentworth, in full, for publishing notice of sale of Northern Cross railroad, - - - - -	8 00
" "	To warrants to L. Pickering, in full, for publishing notice of sale of Northern Cross railroad, - - - - -	9 00
July 2	To warrants to M. McConnell, in full for his services as attorney in Scott and Sangamon county circuit courts in behalf of the state, - - - - -	9 00
" 19	To warrants to Preston & Brooks, in full for publishing notice of Carini and New Haven mill property, &c., - - - - -	8 85
August 2	To warrants to T. Barlow, in full, for publishing notice of sale of Alton railroad, - - - - -	7 75
" 4	To warrants to M. McNamara, in full, for freight paid by him on box sent to governor French from New York, - - - - -	2 66
" 7	To warrants to Aug. C. French, in full, for amount paid by him going to Alton to make arrangements for Illinois volunteers, - - - - -	19 19

Statement—Continued.

Date.	To whom paid, and for what.	Amount.
1847.		
August 19	To warrants to D. B. Campbell, in full, for his services and expenses as attorney in going to Quincy to take depositions and examine titles of John Tillson under an act in relation to certain public debtors, &c., - - -	45 00
" 26	To warrants to Wm. Martin, in full, for expenses of messengers paid by him in raising the 6th regiment of Illinois volunteers, - - -	44 00
" 27	To warrants to M. Brayman, in full, for legal services in sale of Springfield and Meredosia railroad, drawing deeds &c., - - -	12 50
Nov. 10	To warrants to A. Hoes, in full for his services and expenses in attending the arrest of J. Holmes on executive writ, - - -	48 80
" 20	To warrants to C. H. Lanphier, in full, for advertising notice of sale of Northern Cross railroad, printing Scott's tactics, &c., - - -	27 00
" "	To warrants to C. H. Lanphier, in full, for printing nine quires circulars to bond holders, two forms, - - -	14 00
" "	To warrants to C. H. Lanphier, in full, for advertising notice of election to fill vacancy in congress, and list of volunteers, - - -	20 50
December 31	To warrants to S. Francis & Co., in full, for advertising notice of sale of Northern Cross railroad, Carmi and New Haven mill property, - - -	15 75
1848.		
January 28	To warrants to Aug. C. French, for amount paid by him for engraving bonds &c., for funding canal indebtedness, - - -	185 89
February 11	To warrants to F. D. Preston, in full, for his expenses going to the south part of the state on business for the executive, - - -	20 00
March 1	To warrants to M. Carpenter, in full, for transporting and guarding \$45,500 specie from Springfield to Chicago, it being one-third of one per cent, - - -	151 67
" 15	To warrants to A. H. & C. Burley, in full, for stationery furnished in case trustees of Illinois and Michigan canal <i>vs.</i> chief engineer, by order of J. D. Caton, commissioner &c., - - -	2 56
" "	To warrants to Wm. H. Bushnell, in full, for reporting seven days in case trustees of Illinois and Michigan canal <i>vs.</i> chief engineer, by order of J. D. Caton, commissioner, &c., - - -	17 50
" 17	To warrants to Johnson & Bradford, in full for book made for the executive for use of funding state debt. - - -	13 00
April 25	To warrants to Samuel Leach, in full, for expenses in procuring state bonds, and expenses &c. of Capt. Stapp's company of cavalry, - - -	20 00
" 27	To warrants to T. S. Seybald, in full, for services as clerk in investigating charges preferred by state trustees of Illinois and Michigan canal <i>vs.</i> chief engineer, - - -	4 50
" "	To warrants to Aug. C. French, in full, for amount paid for swords for lieutenants Pope & Scarrett, under joint resolution of the legislature, - - -	506 25
July 13	To warrants to J. D. Caton, in full for nineteen days services taking depositions in case of the State <i>vs.</i> Gooding, chief engineer, - - -	100 00
August 22	To warrants to H. S. Cooley, in full, for expenses, telegraphic dispatches &c., while at St. Louis on river difficulties, - - -	27 96
October 25	To warrants to Wm. Compher, in full for services &c., going to Mississippi for John B. Smith, a fugitive from justice, - - -	200 00
Nov. 25	To warrants to Aug. C. French, in full, for amount paid by him for telegraphic dispatches on state business, - - -	12 78
" 28	To warrants to H. S. Cooley, in full for his expenses in going to St. Louis to purchase printing paper, - - -	21 37
" 29	To warrants to R. B. Ewing & Wm. Thomason, in full for services and expenses going to Iowa to arrest William Deeds, a fugitive from justice, and carrying him to Moultrie county, - - -	67 00

A STATEMENT showing the condition of the school, college, and seminary fund, on the first day of December, 1848.

Amount of surplus revenue credited to the school fund,	-	-	\$335,592 32
Amount of three per cent. fund credited to the school fund,	-	-	435,727 24
Amount of three per cent. fund credited to the college fund,	-	-	91,599 46
Amount of seminary fund,	-	-	57,217 66
Total amount of school, college and seminary funds,	-	-	\$920,136 68
The interest on the above funds due 1st January, 1849, will amount to the			
sum of,	-	-	\$54,815 42
Of which sum there will be due the Deaf and Dumb Asylum at Jacksonville,			2,300 34
Leaving to be apportioned to the several counties,	-	-	\$52,515 08

The amount apportioned to the county of Highland for the years 1845, '46 and '47 (\$1,399 24) has not been paid, there being no revenue collected in said county for those years—hence no collector to pay the certificates required to be issued for the interest.

It is hoped that provision will be made for the collection of at least a sufficient amount of the back taxes to pay the above sum.

Dr.

REDEMPTION MONEY.

Cr.

For balance of redemption money in the treasury on the 1st day of December, 1846, - - -	\$1,846 45	By amount of redemption money paid out from the 1st December, 1846, to the 1st December, 1848, - - -	\$353 09
For amount received into the treasury from the 1st December, 1846 to the 1st December, 1848, - - -	177 48	1848. By this amount to balance account, - - -	1,670 84
	<u>\$2,023 93</u>		<u>\$2,023 93</u>
1848. December 1. For balance of redemption money in the treasury, this first day of December, 1848, - - -	1,670 84		

A STATEMENT of state lands sold from the 1st day of December, 1846, to the 30th day of November, 1848, inclusive.

Description.						Amount.
8,351.67 acres sold in the	Chicago land district,	-	-	-	-	\$32,865 08
6,205.40	" " Dixon "	-	-	-	-	31,724 99
332.16	" " Danville "	-	-	-	-	2,072 96
243.19	" " near Alton and Shelbyville railroad,	-	-	-	-	567 18
80	" " near Central railroad,	-	-	-	-	480 00
15,212.42 acres,	-	-	-	-	-	\$67,710 21
Amount of scrip refunded to E. D. Gage,						\$851 80
"	" " A. P. Farnsworth,	-	-	-	-	266 00
"	" " Thomas Powers,	-	-	-	-	259 42
"	" " J. Underwood,	-	-	-	-	268 27
"	" " E. Conant,	-	-	-	-	169 00
"	of corrected patent to G. W. Casseday,	-	-	-	-	74000
"	" " A. P. Farnsworth,	-	-	-	-	240 00
"	of scrip and interest bonds deposited in the fund commissioner's office,	-	-	-	-	65,513 76
Balance due in favor of the auditor,	-	-	-	-	-	\$67,808 25 98 04

Through the kindness of the Hon. R. M. Young, commissioner of the general land office, I have been enabled to have the list of lands, patented to the state under the 8th section of the act of congress of 4th September, 1841, corrected; by which it appears that of the lands selected in the Chicago land district, there have been patented to the state 90,022.88 acres.

In the Dixon land district, 77,390.32 acres.

In the Danville land district, 41,646.85 acres.

The state is entitled to 209,085.50 acres.

Of the lands selected in the Chicago land district there remains unsold 1,315.17 acres.

In the Dixon land district, 64,154.58 acres.

In the Danville land district, 40,354.69 acres.

There remains unsold, of lands purchased by the board of public works for internal improvement purposes, (exclusive of land in Cairo city, and town lots,) 38,605.65 acres.

Of the lands in the Chicago district, 523.86 acres, selected in 1846, have not been offered for sale.

A Comparative Statement of the Revenue, Interest Fund and Insane Hospital Fund, for the years 1847 and 1848.

Counties.	Revenue, 184.	Interest Fund.	Insane Hospital Fund.	Revenue, 1 848.	Interest Fund.	Insane hos- pital Fund.
Adams,	\$5,487 73	\$4,115 79	\$548 77	\$8,179 43	\$6,134 57	\$818 00
Alexander,	530 43	397 83		588 51	441 38	117 70
Bond,	1,563 39	552 19	126 96	1,818 81	1,028 00	137 07
Brown,	1,783 23	1,167 62	155 68			
Boone,	993 11	744 81	99 31	1,293 74	970 30	129 37
Bureau,	2,359 36	1,769 49	235 93	2,561 10	1,920 82	256 11
Calhoun,	897 22	672 92	88 29	945 21	685 51	91 40
Carroll,	346 52	259 88	34 65	451 41	338 56	45 14
Cass,	2,216 80	1,662 55	221 68	2,225 93	1,669 45	222 59
Christian,	1,352 21	793 96	105 87	1,081 25	791 85	105 58
Clay,	650 20	487 59	65 02	728 65	546 49	72 87
Clark,	1,930 57	1,447 93	193 08			
Champaign,	854 66	640 98	85 46			
Clinton,	1,409 90	1,057 43	140 99			
Coles,	2,144 91	1,608 69	207 98	2,185 51	1,639 13	218 54
Cook,	10,378 45	7,783 83		13,972 02	10,479 01	1,397 18
Crawford,	1,334 86	1,061 13	133 49	1,430 09	1,022 67	136 36
Cumberland,	621 60	466 19	61 43	634 96	466 40	62 19
De Kalb,	547 25	410 41	54 73	733 91	550 43	73 39
De Witt,	935 21	701 40	93 52			
Du Page,	945 60	708 67	94 52	1,483 80	1,112 85	148 38
Edgar,	2,815 72	2,111 79	281 56	3,041 73	2,281 30	304 17
Edwards,	990 87	711 60	94 18	986 28	703 16	93 76
Effingham,	971 45	338 92				
Fayette,	1,218 65	913 98	121 86	1,219 04	991 27	121 90
Fulton,	4,731 09	3,548 05	473 06			
Franklin,	506 06	379 53	50 60	566 12	424 59	56 61
Gallatin,	2,264 76	1,698 57	226 48			
Greene,	2,971 43	2,139 91	285 22	3,030 52	3,224 21	296 36
Grundy,	777 52	583 14	77 75	818 05	613 54	81 81
Hamilton,	414 42	333 33		444 74	333 55	44 47
Hancock,	3,840 62	2,880 47		4,031 04	3,023 28	786 72
Hardin,	368 39	276 29	36 84	402 47	301 85	40 25
Henry,	1,220 90	915 68	122 09			
Henderson,	1,663 81	1,247 85	166 38	1,893 86	1,420 40	189 39
Iroquois,	1,521 27	658 50	87 80	1,002 97	752 23	106 01
Jackson,	1,553 30	622 93	83 06	1,858 52	745 78	99 44
Jasper,	430 34	322 77	43 03	442 04	331 53	44 20
Jefferson,	1,161 09	837 78	111 71	1,072 87	804 65	107 28
Jersey,	1,881 07	1,410 80	188 10	1,900 21	1,425 15	190 02
Jo Daviess,	5,607 81	4,185 88	560 76	5,767 31	4,325 49	576 72
Johnson,	388 48	291 36	38 82	382 24	286 63	38 22
Kane,	1,535 01	1,151 26		2,809 52	2,152 14	449 66
Knox,	3,901 96	2,926 47	390 20	3,991 82	2,993 86	397 76
Kendall,	1,196 25	1,122 18	149 63	2,108 74	1,581 55	210 87
Lake,	2,052 85	1,539 63	205 29	3,530 10	2,647 57	352 44
La Salle,	4,203 28	3,197 51	426 33	4,105 66	3,679 25	410 56
Lawrence,	1,350 17	1,012 62	135 03	1,486 83	1,045 57	139 41
Lee,	516 68	387 51	51 66	710 84	533 12	71 08
Livingston,	346 46	260 45	34 64	380 48	285 35	38 05
Logan,	1,473 06	1,105 23	159 35	1,540 72	1,155 53	154 07
Macon,	1,157 55	814 58	112 61	1,235 03	926 27	123 50
Macoupin,	3,535 01	2,596 71	346 22	3,507 70	2,590 43	345 39
McLean,	2,718 08	2,038 55	271 80			
McDonough,	2,810 54	1,848 09	243 56	2,982 67	2,105 44	280 73
McHenry,	1,860 22	1,395 18	179 19	2,490 91	1,868 19	265 26
Madison,	7,130 75	4,836 19	644 83	6,873 36	5,155 02	687 33
Marion,	1,220 21	915 16	122 02	1,224 80	918 60	122 48
Marshall,	1,689 29	1,206 97		1,810 67	1,358 00	181 07
Massac,	373 56	280 17	37 35	375 62	281 71	37 56

Statement—Continued.

Counties.	Revenue, 1847.	Interest Fund.	Insane Hos- pital Fund.	Revenue, 1848.	Interest Fund.	Insane hos- pital Fund.
Menard,	\$1,590 02	\$1,180 03	\$157 33	\$1,662 34	\$1,246 75	\$166 23
Mercer,	1,703 93	1,277 95	170 39	1,835 46	1,414 09	188 55
Montgomery,	1,388 57	1,041 42	138 86	1,360 92	1,020 69	136 09
Monroe,	1,306 20	979 65	138 85			
Morgan,	4,942 12	3,247 04	432 94	4,441 57	3,331 18	444 15
Moultrie,	951 58	458 34	60 96			
Mason,	900 47	600 68	80 09	1,066 25	705 49	94 06
Ogle,	1,471 83	1,103 88	147 18	1,584 09	1,188 06	158 41
Pulaski,	532 58	399 45		603 60	452 84	120 90
Peoria,	4,970 26	3,727 70				
Perry,	911 54	679 15	90 56	998 15	705 68	94 09
Pike,	4,955 56	3,716 67	495 55	4,976 59	3,732 44	497 66
Pope,	485 03	363 77	50 63			
Putnam,	1,124 64	838 91	111 85	1,344 39	900 54	120 07
Piatt,	447 11	335 33	44 71	469 43	352 07	46 94
Randolph,	2,051 19	1,538 39	205 11	2,249 98	1,687 48	225 00
Rock Island,	1,940 58	1,455 45		1,771 42	1,328 56	354 28
Richland,	664 09	460 19	61 36	792 60	594 43	79 25
Saline,						
Sangamon,	6,463 77	4,847 82	646 37	6,697 40	5,023 05	669 74
Scott,	1,658 15	1,116 89	148 92	1,570 57	1,177 92	157 06
Scuyler,	2,350 20	1,762 65	235 02	2,515 84	1,909 38	254 58
Shelby,	1,682 33	1,261 75	168 22	1,698 75	1,274 06	169 87
Stark,	1,211 66	908 74		1,246 53	934 90	249 05
St. Clair,	5,640 43	3,384 26	451 23	4,472 49	3,354 36	447 25
Stephenson,	625 57	469 17	62 55	1,128 09	846 07	112 81
Tazewell,	3,267 70	2,450 78	326 75	3,579 94	2,684 95	358 00
Union,	1,034 34	768 42	102 45	1,105 86	829 40	110 58
Vermilion,	3,600 99	2,700 74	360 09			
Wabash,	1,139 99	854 99	114 00	1,132 72	849 53	113 27
Warren,	2,675 12	2,006 34	267 51	2,871 58	2,153 69	286 77
Washington,	1,298 72	974 04	129 89	1,412 51	1,059 38	141 25
Wayne,	931 62	698 71				
White,	1,320 81	990 60	132 00	1,325 70	994 27	134 31
Whiteside,	588 24	441 18	58 82	913 54	685 15	91 35
Will,	4,194 74	2,921 72	389 56	3,904 88	2,679 56	357 28
Williamson,	311 76	233 82				
Winnebago,	1,807 90	1,355 92	180 79			
Woodford,	1,229 82	918 58	122 48	1,332 45	999 33	133 24
	\$191,414 93	\$138,455 98	\$15,590 20	\$172,545 45	\$127,501 93	\$17,988 71
The probable amount in the counties not reported for the year 1848,				33,454 55	24,498 07	4,511 29
				\$206,000 00	\$152,000 00	\$22,500 00

The warrants unredeemed on the 1st December, 1846, amounted to	-	-	-	\$32,645 61
The certificates for the interest on school, college and seminary fund, unredeemed on the 1st December, 1846,	-	-	-	16,817 12
The warrants issued from the 1st December, 1846, to the 30th November, 1848, (exclusive of the warrants issued for the interest and Insane Hospital funds,) amounted to	-	-	-	326,528 72
The certificates issued for the interest on the school, college, and and seminary funds due 1st January, 1847 and '48 amounted to	-	-	-	100,293 67
Making the sum of,	-	-	-	<u>\$476,285 12</u>
The warrants cancelled by the treasurer, and deposited in this office, from the 1st December, 1846, to the 30th November, 1848, amounted to,	-	-	-	288,346 49
The certificates for the interest on the school, college, and seminary funds, cancelled during the same time, amounted to,	-	-	-	100,247 11
				<u>\$388,573 60</u>
Amount warrants and certificates outstanding on 1st December, 1848,	-	-	-	<u>87,711 52</u>

The amount of revenue assessed for the year 1847, and prior years, remaining uncollected, is about \$45,500. If we deduct this sum, together with the amount now in the treasury, from the amount of warrants and certificates outstanding, we leave about \$25,000 to be liquidated out of the revenue of the current year.

The amount of revenue assessed for the current year, (1848,) after deducting for the loss, commissions, &c., will be about \$182,000. If the revenue of the year 1849 be equal to the amount assessed for the year 1848, there will be about \$340,000, to meet the expenses of the government for the next two years.

The interest fund in the treasury at date of last report, and received from 1st December, 1846, to the 30th November, 1848, is	\$234,968 25
The interest fund remaining uncollected for the year 1847, and prior years, after deducting for loss, commissions, &c., is about	31,000 00
The interest fund for the current year, (1848,) after deducting for errors, commissions, &c., will amount to about	141,500 00
The Insane Hospital tax, collected upon the assessment of the year 1847, amounts to	11,961 84
The amount of this fund remaining uncollected, after deducting for errors, commissions, &c., will amount to about	2,300 00
The Insane Hospital tax for the current year, including the back taxes, will be about	21,000 00

I would here remark, that in thirteen counties this tax was not levied upon the assessment of 1847, but it is expected will be levied as back taxes upon the assessment of the current year.

I find great difficulty in enforcing collections, mostly caused by the failure of assessors to complete the assessment within the time required by law. In many counties the books are not returned to the clerk until September or October; and in some, not until December, hence, it is impossible for the collector to obtain the books from the clerk in time to prosecute collections so as to obtain judgment on delinquent lands at the spring term of the circuit court. This pre-

vents him from making settlement at the June term of the commissioners' court, and may delay settlement until the December term.

It may be that a law legalizing assessments not made within the time required by law, will be necessary; and, as it is expected that a law will be passed regulating the assessment and collection of the revenue, under the provisions of the amended constitution, I hope that it will be so framed as to guard against similar failures.

For the purpose of securing the collection of the revenue, more effectually than has been done under former laws, it is suggested, that the officer or attorney hereafter charged with its collection from delinquent collectors, be allowed a certain commission upon all collections actually made by him after the accounts are handed over to him by the auditor.

Let this compensation be ample, and sufficient to enable that officer to pursue claims into every county, and by personal examination and supervision to secure collections whenever there is property of any kind existing.

This per cent. need not become a charge upon the treasury, but may be imposed as a penalty, to be added to the amount due, and collected from the delinquent. By thus requiring the officer to look to the final success of his suit for his compensation, the greatest possible motive for energy and diligence is appealed to, and, in my opinion, the surest mode that can be adopted for securing the prompt and rapid collection of delinquencies.

In apportioning to the several officers and privates under the command of Gen. John J. Hardin and Maj. Wm. B. Warren the sums due them, as required by "an act making appropriations, &c.," approved February 26, 1847, it was found that the sum appropriated was insufficient to pay the several amounts that appeared from the pay-rolls filed, to be due; hence, a deduction was made in proportion to the amount due each individual.

"An act making appropriations for pay of the militia called into service in the years 1844 and '45," passed on the 24th day of February, 1847, as appears from the journals, was omitted in publishing the laws. The several sums mentioned in said act have been paid to the persons entitled to draw them. Some legislative action may be necessary in this matter.

All of which is respectfully submitted.

THOS. H. CAMPBELL,
Auditor of Public Accounts.

BIENNIAL REPORT

OF THE

TREASURER OF ILLINOIS.

'TREASURER'S OFFICE, ILLINOIS,
Springfield, January 5, 1849.

To the Speaker of the House of Representatives:

SIR: In accordance with the provisions of law, I have the honor to submit the following report to the general assembly.

By reference to the annexed statements, it will be perceived that the aggregate amount of revenue received into the treasury from the first day of December, 1846, to the 30th day of November, 1848, and not specially appropriated, amounts to the sum of \$405,315 52 cents, and that the treasurer's credit for the same period amounts to the sum of \$388,831 14 cents; leaving a balance in the treasury on the 30th of November, 1848, of \$16,484 38 cents. Of the latter sum, \$6,270 57 are due from Milton Carpenter, deceased, late treasurer. The greater portion of which sum, however, has become available since the 30th day of last November, and is now in the hands of the administrator for payment into the treasury.

A report from the administrator will be made to the state treasurer, his accounts adjusted at an early day of the present session, and a special report thereof will be made to the general assembly in accordance with the provisions of law.

Since the date of the last biennial report from this office, the sum of \$49,634 35 has been received from the commissioners of the school fund, and the further sum of three hundred dollars for the sale of seminary lands.

By the second section of "an act making partial appropriations," approved December 18th, 1846, all moneys then in the treasury, together with such additional sums as might be received prior to the first day of March, 1847, and not otherwise appropriated, was applied to defray, in part, the current expenses accruing during the session. Under the above appropriation the sum of \$21,654 47 cents was paid from the treasury in specie. The effect of the measure was salutary, and contributed, in a great degree, to arrest the depreciation of auditor's warrants in this market; thereby enabling members of the legislature, delegates to the constitutional convention, and other officers and persons rendering service to the state, to dispose of warrants at rates approaching nearer to a par value than had generally been realised for several preceding years.

From the above named fund, the sum of \$2,602 19 has been paid for iron for state-house roof, and postage for state departments previous to the first day of September, 1848.

The amount of specie on hand for revenue purposes and received by the present treasurer was \$13,910 86, and from which has been paid for carpeting for the legislative halls, for printing paper, for postage and telegraphic despatches received by the governor, the sum of \$1,793 93. Also in part pay of the past six months salary of the governor, secretary of state, auditor of public accounts and his clerks, secretary to the fund commissioner, judges of the supreme court, and attorney general, the sum of \$1,884 12, and the following additional sum of nineteen dollars, to mechanics and laborers for services rendered; leaving a balance in the treasury for revenue purposes of \$10,213 81 cents, on the 30th day of November, 1848.

The total amount of interest fund received into the treasury since the last report is \$234,968 25. Total amount of warrants drawn on the treasury in the same period, is \$234,139 00; leaving a balance of interest fund in the treasury of \$829 25.

The total amount of hospital tax fund received on the assessment of 1847, is \$11,961 84, of which the sum of \$11,726 39 has been paid out, and applied towards the erection of the hospital building on the site selected near Jacksonville; leaving a balance in the treasury of \$235 45.

I have the honor to be, with great respect, sir,

Your obedient servant,

JOHN MOORE, *Treasurer.*

To balance in the treasury on 1st December, 1846,	\$8,327 14	By amount of auditor's warrants received into the treasury, cancelled and returned to the auditor's office from the 1st day of December, 1846, to the 12th day of Aug., 1848, including interest on the same,	\$259,168 20
To amount received from sheriffs from the 1st of December, 1846, to the 30th of November, 1848,	332,069 35	By amount of auditor's certificates in favor of school commissioners received of sheriffs for revenue during same time,	85,647 70
To amount received from special collectors,	6,034 51	Total credit for auditor's warrants and school certificates up to the 13th of August, 1848,	\$344,815 90
To amount received from clerks for lands sold and redeemed during same time,	1,700 26	By amount of auditor's warrants taken into the treasury, cancelled and returned to the auditor's office from the 12th of August to the 30th of Nov., 1848,	\$35,624 35
To amount received from the secretary of state for peddlers' licenses,	1,787 50	By amount of auditor's certificates received during same time,	8,390 89
To amount received from clerks for licenses to insurance companies,	1,086 01		\$44,015 24
To amount received from minor heirs for redemption of lands,	177 51		\$388,831 14
To amount received for money refunded,	241 01		
To amount received on account of the three per cent. fund,	49,634 35		
To amount received from the sale of seminary lands,	300 00		
To amount received on account of fines,	577 50		
To amount received from the commissioner of saline lands,	400 00		
To amount received from clerks for brokers' licenses,	100 00		
To amount received for pre-emption on state lands,	260 00		
To amount received for rent of internal improvement house,	34 00		
To amount received on account of the distribution fund,	2,596 38		
Total receipts for revenue,	\$405,315 52		
Of the above amount, M. Carpenter, late treasurer, received the sum of	364,997 33		
Received by John Moore,	40,318 19	To balance,	16,444 38
	\$405,315 52		\$405,315 52

State Treasurer on account of the interest fund.

Dr.

To balance in the treasury, December 1st, 1846,	-	-	\$24 33
To amount of interest received into the treasury from December 1846, to 12th of August, 1848,	-	-	206,622 00
Total interest fund to the 12th of August, 1848.	-	-	206,646 33
By amount of interest fund paid out on warrants drawn by the governor to 12th of August, 1848,	-	-	191,589 50
To balance of interest fund in the treasury on same date,	-	-	15,056 83
To amount of interest fund received into the treasury from August 12th to November 30th, 1848,	-	-	28,321 92
			43,378 75
By amount of interest fund paid out on warrants drawn by the governor same date,	-	-	42,549 50
To balance of interest fund on hand, November 30th, 1848,	-	-	829 25
Total interest fund in the treasury and received from December 1st, 1846, to November 30, 1848,	-	-	234,968 25
Total interest warrants paid and cancelled,	-	-	234,139 00
To balance in the treasury as above,	-	-	\$829 25

State Treasurer on account of hospital tax fund.

Dr.

To amount of hospital tax received into the state treasury from the 1st day of January to the 12th day of August, 1848,	-	-	\$8,378 39
By amount paid to the "treasurer of the trustees of the Illinois Hospital for the Insane," same date,	-	-	8,208 00
To balance in the state treasury, August 12th, 1848,	-	-	170 39
To amount received from August 12th to November 30th,	-	-	3,583 45
To balance,	-	-	3,753 84
By amount paid to treasurer, same date,	-	-	3,518 39
To balance in the state treasury, November 30th, 1848,	-	-	235 45
Total amount of hospital tax fund received,	-	-	11,961 84
Total amount paid out to treasurer,	-	-	11,726 39
To balance, as above,	-	-	\$235 45

RECAPITULATION.

Interest fund in the treasury on the 12th day of Aug., 1848,	\$15,056 83	
Hospital tax, - - - do	170 39	
Total of said funds paid by the administrator of M. Carpenter deceased, - - -		\$15,227 22
Total revenue received to August 12th, 1848, -	364,997 33	
Total revenue credit to same date, -	358,726 76	
Balance due the treasury same date, -		\$6,270 57
Amount of specie received from administrator for revenue purposes, - - -	13,910 86	
Revenue received from 12th August to 30th Nov., -	40,318 19	
Total revenue, - - -	54,229 05	
Total revenue credits as per auditor's receipts, -	44,015 24	
To balance in the treasury Nov. 30, 1848, -		\$10,213 81

A STATEMENT of monthly credits by auditor's receipts.

Date.	Auditor's receipts.		Amount.
1846.			
December, 1847.	By amount of auditor's receipt,	- -	\$14,332 40
January,	do do	- -	8,102 11
February,	do do	- -	10,549 20
March,	do do	- -	24,064 36
April,	do do	- -	14,162 35
May,	do do	- -	12,990 74
June,	do do	- -	57,586 64
July,	do do	- -	20,824 33
August,	do do	- -	16,061 34
September,	do do	- -	3,036 00
October,	do do	- -	8,548 10
November,	do do	- -	6,124 19
December, 1848.	do do	- -	5,845 66
January,	do do	- -	9,561 59
February,	do do	- -	7,964 80
March,	do do	- -	6,754 45
April,	do do	- -	24,079 46
May,	do do	- -	14,466 36
June, July	and to the 12th day of August inclusive,	- -	79,761 82
	M. Carpenter total revenue Cr.,	- -	344 815 90
August,	By amount of auditor's receipt,	- -	20,042 55
September,	do do	- -	13,960 03
October,	do do	- -	1,725 99
November,	do do	- -	8,286 67
	John Moore's total revenue Cr.,	- -	44,015 24
	Total revenue credit,	- -	\$388,831 14

A STATEMENT of the monthly receipts into the treasury from the first day of December, 1846, to the 30th day of November, 1848.

(XXII)

Date.	Sheriffs.	Collectors.	Clerks for lands sold & redeemed.	Peuller's li- cense.	Clerks for insurance.	Redemption of minor heirs.	Money re- funded.	Commissioner of school lands.	Seminary lands.
1846. December,	\$5,449 96	\$387 31	\$28 87	\$100 00		\$20 81			\$100 00
1847. January,	5,866 74	297 02	279 49		\$53 10	40 00	\$16 25	\$10,630 00	
February,	8,732 07		6 15	100 00			85 00		
March,	15,224 63	47 74	128 68	50 00			76		
April,	13,468 92		3 00	150 00	50 00	34 44	139 00		
May,	12,025 52		58 14	150 00					
June,	56,865 43		256 10	150 00					
July,	28,935 08		14 68	25 00	119 97	26 83			100 00
August,	5,763 03		122 66	87 50					
September,	2,505 01	383 64	49 82	150 00					
October,	7,843 94	461 87	100 00	162 50					
November,	5,645 83	235 36	44 10	50 00					
December,	2,698 28		26 60	150 00					
1848. January,	6,867 78	534 94	180 85	150 00	62 48		21,935 00		
February,	2,525 22	227 12					1,558 00		
March,	3,675 57	873 11	99	12 50					
April,	21,977 28		90 27	100 00	233 88				
May,	19,231 98	126 22	133 26	200 00					
June,	51,765 69		56 17		581 53			15,510 00	
July,	15,303 95	417 83	10 62						
To 12th August,	794 18								
	\$294,021 09	\$3,913 39	\$1,651 45	\$1,787 50	\$1,086 01	\$177 51	\$241 01	\$49,634 35	\$200 00
August,	16,816 59	1,200 00							
September,	18,226 68		48 07						
October,	1,069 26	921 12	74						100 00
November,	1,935 73								
	\$332,069 35	\$6,034 51	\$1,700 26	\$1,787 50	\$1,086 01	\$177 51	\$241 01	\$49,634 35	\$300 00

Statement—Continued.

Date.	Fines.	Commission- ers of sa- fine lands.	Broker's li- cense.	Pre-emption on state lands.	Rent of int'l imp't house in Jonesboro.	Distribution fund.	Aggregate of revenue.	Interest fund.	Insane hospital tax fund.
1816. December, 1817. January, February, March, April, May, June, July, August, September, October, November, December,	\$577 50	\$400 00	\$100 00	\$260 00	\$24 00	\$2,596 38	\$3,583 33 6,543 25 19,628 27 16,044 53 13,706 92 12,261 42 57,844 97 29,476 23 6 000 02 3,988 47 8 568 31 27,834 69 2,874 88 9,354 05 2,752 34 4,562 17 22,401 43 19,891 46 67,968 87 16,732 40 749 18	\$3,715 75 3,256 67 5,496 53 8,481 30 9,049 39 9,308 62 41,151 51 18,587 99 1,706 73 2,053 08 4,556 42 3,765 89 1,696 61 5,961 24 1,877 92 3,466 75 13,937 19 15,156 86 39,832 64 13,532 85	\$226 47 133 00 235 62 857 51 778 90 4,987 96 1,158 93
To 12th August,	\$577 50	\$400 00	\$100 00	\$260 00	\$24 00	\$2,596 38	\$356,670 19	\$206,622 00	\$8,378 39

Statement—Continued.

(XIV)

Date.	Fines.	Commission- ers of sa- line lands.	Broker's li- cense.	Pre-emption on state lands.	Rent of int'l imp't house in Jonesboro.	Distribution fund.	Aggregate of revenue.	Interest fund.	Insane hospital tax fund.
1848. August, September, October, November,	\$577 59	\$400 00	\$100 00	\$260 60	\$24 00	\$2,596 33	\$18,016 59 18,274 75 1,991 12 2,035 73	\$11,047 76 14,679 36 1,523 06 1,071 74	\$2,118 29 1,136 93 187 62 140 61
							\$396,988 38	\$234,943 92	\$11,961 84

Balance of revenues in the treasury November 30, 1846,

Total revenue,

\$8,327 14
\$405,315 52

Balance of interest fund in the treasury November 30, 1846,

Total interest fund,

\$24 33
\$234,968 25

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